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Port state control and the question of introducing such control in developing countries

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PORT STATE CONTROL AND THE QUESTION OF INTRODUCING SUCH CONTROL IN DEVELOPING COUNTRIES

by

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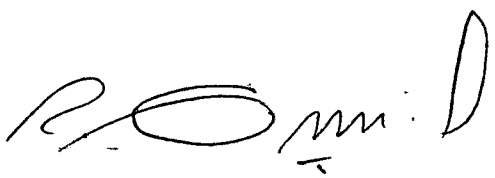
Signature: 

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SUMMARY

This study considers the problem facing the developing countries about how to update their Port State Control as a consequence of the new direction that nowadays has taken the Port State Control due to the increased concern for the marine environment both in general and in respect to the portion affecting the Port State Control and the entry into force of two comprehensive Conventions, MARPOL 73/78 (02 Oct. 1983) and the STCW (28 April 1984) that stated obligations for contracting parties about the implementation and enforcement of Port State Control. This new direction that the Port State Control has taken, is nowadays for developing countries the only way to protect their ports and coastal waters from a latent danger of pollution by sub-standard foreign ships that visit their ports or offshore terminals.

After tracing in this study the maritime accidents with pollution of the sea that have impulsed the maritime nations to strengthen their Port State Control the necessity for developing countries is examined in order to update their Port State Control and consideration is also given to the problems of developing countries in how to update their Port State Control.

The basis for Port State Control is examined and also the Port State Control of European nations (The Memorandum of Understanding on Port State Control) and the "Standard Vessel Boarding Program" of the United States of America are analysed.

Finally conclusions are drawn with regard to what is necessary for developing countries in order to update their Port State Control. And it can be said that the main objectives of the IMO for "Safe Ships and Clean Seas" not will be reached only with an appropriate implementation and enforcement of all the obligations that a contracting government assumes as a Flag State without the implementation and enforcement of the complementary part as a Port State.

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CHAPTER I

INTRODUCTION

Nowadays if we observe the world scenario about the impact of the IMO Conventions for safety and prevention of pollution in the developed and developing countries, it may be said that most of the developed countries that have ratified the IMO Conventions for safety and prevention of pollution have established and implemented a Flag State control (for their own ships) and also a Port State Control (for foreign merchant ships visiting their ports or offshore terminals under their jurisdiction). The Port State Control in Europe and in the United States of America was strenghtened as a consequence of serious maritime accidents. European countries accelerated the coming into being the Memorandum of Understanding on Port State Control as a consequence of Amoco Cadiz foundered in the coast of Brittany (France). As J. J. Valk said "under the influence of developments such as the dramatic calamity with the Amoco Cadiz in March 1978, more stringent commitments on port state control were felt to be necessary. It was a very good initiative of the former French Minister of the Sea, to invite his colleague Ministers responsible for maritime safety for a conference at the end of 1980. This ministerial conference decided to establish an international working group which was to draft a new instrument on port state enforcement of internationally adopted standards on maritime safety, bearing in mind the experience gained with the 1978 Memorandum of Understanding and proposals on port state inspections made by the Commission of the European Community" (1).

Also in the United States of America the Port State Control (US Tanker Boarding Program) was strenghtened as a consequence of various tanker accidents. As Henry S Bell said "The United States Coast Guard Foreign Tank Vessel Examination Program was expanded as a result of a series of tanker incidents during the winter of 1976/1977"(2). Also Henry S Bell said that "The impetus for expanding the Foreign Tank Vessel Examination Program occurred on the evening of 17 December 1976 in Los Angeles Harbour with the explosion of the SS SANSINENA, a major casualty resulting in six deaths plus three missing and presumed dead, injuries to 58 persons, release of approximately 20,000 gallons of bunker oil into the harbour, and loss of a vessel valued at twenty-one point six (21.6) million dollars" (3).

1.1 The necessity of Port State Control in Developing Countries

In the developing countries there is an urgent necessity of updating their Port State Control because nowadays with the enormous expansion of the international trade and significant development in new forms of sea transport where a whole range of new cargoes, often more complex and dangerous to handle, are carried from one end of the world to the other, and also in the last decade the vast expansion in the quantities of oil carried and the development of specialised ships like chemical and gas tankers makes the imperious necessity for developing countries to update their port state control in order to improve their effectiveness and prevent maritime disasters in their ports or on their coast. As I. Sproat said "The view we take and which, I believe, is shared by other shipping nations, is that safety at sea and freedom

from pollution cannot be achieved solely by signing international conventions. More emphasis must be placed on enforcing these conventions both on our own ships and on the ships of other nations visiting our ports, regardless of wheather their flag state is a party to these conventions. Only in this way can we hope to encourage international acceptance of these safety standards and reduce the risk of accidents and pollution" (4).

The role of the Port State in international commerce, before the impact of IMO Conventions for Prevention of Pollution at Sea, has consisted mainly of interventions under the regulation 19, chapter 1 of the SOLAS Convention. These interventions were made to insure the safety of the ship, its crew and embarking passengers. Traditionally the interventions have been for those items which were of such nature that little or no inspection or investigation was necessary to bring the attention of the Port State. With the increased concern for the marine environment, both in general and in respect of that portion directly affecting the Port State, Port State control has taken on a new direction. This new direction of the Port State control and Surveillance for a developing country is the only way to protect its ports and coastal waters from a latent danger of pollution by ships and that is with an effective Port State control and surveillance because in spite of a country having implemented and enforced all the obligations as a Flag State (for its own ships) with high standards regarding safety and prevention of pollution, nobody knows when and in what number sub-standard foreign ships will arrive to its ports or coastal waters and pollute

its waters with chronic discharges of oil, harmful substances or effluents containing such substances, or a maritime accident of considerable dimensions with pollution of great areas of the coastal sea as a consequence of a big spill occur and affecting the fishery and tourist industries. Time Magazine said about the disaster of the AMOCO CADIZ "The spill was a major disaster for Brittany's (France) important fishing and tourist industries. Thousands of birds were also dead or dying as the result of suffocation, starvation, chemical poisoning or the loss of body heat caused by the destruction of natural insulation. Bird experts, helped by volunteers, "estimated they could save only one in ten" (5). In other cases a maritime accident could occur in its ports or coastal waters with loss of lives and putting in compromise the obligations that a contracting government of the international conventions has assumed when ratifying the conventions for safety of life at sea.

With respect to prevention of pollution measures the IMO Resolution No A. 542 (13) (Procedures for the Control of Ships and Discharges Under Annex I of the International Convention for The Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto) stated "Parties should make effective use of the opportunities that Port State control provides for identifying deficiencies and sub standard operations, if any, in visiting foreign ships which may render them pollution risks and for ensuring that remedial measures are taken. The purpose of these guidelines is to assist Parties to exercise effective port and coastal state control and thereby to contribute towards the attain-

ment of the objectives of MARPOL 73/78" (6).

1.2 The problems in developing countries in order to update their Port State control

After the explanation of the necessity for a developing country to have and to update Port State control we reach the problem for a developing country about how to update its actual Port State control. After we have focused the problem other questions will be necessary to answer as a logic consequence and these questions are: What is the legal basis of the Port State control?

- Has the country the appropriate national maritime safety legislation to put in force the Port State control?
- What part of the Port State control it is necessary to update?
- Has the country enough surveyors to cover the inspections for Port State control?

What infrastructure is required for an effective Port State control?

As J. Cowley said: "The problem for each Administration is how to fulfil these international obligations for both flag and port state activities without excessive cost and perhaps with limited numbers of qualified marine surveyors" (7).

Thus, the problem defined along this dissertation, I will try to get the answers from the analysis of the European Port State control (The Memorandum of Understanding) and the United States Port State control the U.S. Standard Vessel Boarding Program, and it will be possible to get the answers of

what parts of these two Port State controls are most suitable for developing countries.

As A.J. Cowley said: "The allocation of available resources between these two functions (as a flag state and as a port state) provides a major problem for countries. The longer and more vulnerable the coastline and the greater the number of ships visits, the larger the proportion of surveyors resources employed on port state control. This may mean the provision of a very large force of inspectors even though the country has a relatively small fleet. In this category one might include the United States with its extensive Coast Guard service. On the other hand, some countries with relatively short coastlines have large merchant fleets, the proportion of resources employed on Flag State duties will be greater. For most countries there is a near balance and the same surveyors can be employed for both duties" (8).

CHAPTER II

What is Port State control?

2.1 Historical background

From the historical point of view the idea of control by the Port State over foreign flag ships has been laid down in international conventions on maritime safety for a substantial number of years. In 1948 the SOLAS Convention and even in the 1929 Convention on Safety on Passengerships, some form of Port State enforcement was foreseen. At that time, it was already generally accepted that the loadline marks of ships had to be checked at port. The name of Samuell Plimsoll is well familiar in this respect. Also the International Labour Organization adopted in 1976 a convention which also contains a Port State clause: the Merchant Shipping (Minimum Standards) Convention. J. Heringa said: "Port State control, as I see it, is a continuing story indeed, which progresses ever so slowly, impulses every now and then being given, as they unfortunately must, by spectacular disasters such as those of the TORREY CANYON and the AMOCO CADIZ" (1).

2.2 Port State control as a complementary part of the Flag State Control

It may be said that the main objectives of the International Maritime Organization for "Safe Ships and Clean Seas" will not be reached only with an appropriate implementation and enforcement of all the obligations that a contracting govern-

ment assumes as a Flag State without the implementation and enforcement of the complementary part as a Port State.
As Y. Sasamura said "Although it is the responsibility of Flag States to ensure that ships flying their flags always comply with the provisions of the Conventions, it may sometimes be difficult for Flag States to exercise full and continous control over these ships. In order to supplement these functions of Flag States, the SOLAS, Load Lines and MARPOL Conventions provide for certain procedures for the control of ships to be exercised by Port States" (2).

The enforcement provisions of conventions by contracting parties are, broadly speaking, divided into the following two categories:

1) Enforcement by Administration (i.e. the Government of the Flag State) which includes surveys and certification of ships in respect of design, construction and equipment; and
2) Enforcement by Port States, which includes the control by Port States control officers of the conditions of ships and equipment and also the surveillance and detection of discharges in contravention of the convention.
   J. Cowley said "In consideration of arrangements for safety and pollution prevention control an Administration will be concerned with:
   (a) its own ships (i.e. acting as a Flag State); and
   (b) foreign ships visiting its ports (i.e. acting as a port state).

In an ideal world, action as a Port State would not be a major consideration as every flag would ensure that its ships were operated at uniformly high standards in accordance with agreed international conventions.
However, reality dictates that some port action is necessary" (3).
In appendix (1) the graphic of the Procedures for control of ships is shown.

2.3 Legal background of the Port State control

The concept of Port State control has been laid down in a number of conventions concerning safety of shipping and prevention of pollution for many years, including:

- The International Convention on Load Lines 1966 (art. 21) (4)
- The International Convention for the Safety of Life at Sea 1974 SOLAS (chapter 1, regulation 19) (5)
- The International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol 1978 relating thereto (art. 4, 5, 6 and 7) (6)
- The International Convention on Standards of Training Certification and Watchkeeping for Seafarers - STCW 1978 (art. X) (7)
- The Convention concerning Minimum Standards in Merchant Ships 1976 - ILO Convention 147 (art. 4) (8)

In addition IMO has developed resolutions that include provisions of the Conventions and Guidelines on specific control procedures for Port State control and in the case of the

Resolution A. 542 (13) "Procedures of the Control and Discharges under annex I of the International Convention for the Prevention of Pollution from Ships 1973/78 provisions and guidelines on specific procedures for port and coastal states for the control of foreign ships visiting ports or offshore terminals under their jurisdiction are stated.

The Resolutions of IMO are as follows:

- Resolution A. 466 (XII) adopted on 19 November 1981
  "Procedures for the Control of Ships" (appendix 2)

- Resolution A. 481 (XII) adopted on 19 November 1981
  "Principles of Safe Manning" (appendix 3)

- Resolution A. 542 (13) adopted on 17 November 1983
  "Procedures for the Control of Ships and Discharges under annex I of the International Convention for the Prevention of Pollution from ships, 1973, as modified by the Protocol of 1978 relating thereto" (appendix 4)

Most of the countries that have established their port state control have adopted these instruments.

2.4 Basis for Port State control

Port State control stated in different IMO Conventions for safety and prevention of pollution is consistent with general principles of international law. The right of a Nation to board and inspect ships in its internal waters is recognized.

As F. L. Wiswall Jr said: "The essential implementation of all IMO Conventions is by Flag State control. The reason for this is both historical and grounded in practicality. It is an ancient premise of maritime international law that a ship is held to be a veritable piece of the territory of the state whose flag she flies; in one sense, then, each ships is an ambassador of the flag state, and when she is within foreign waters, the police power of the Port State with respect to her is limited by customary international law in ways that are roughly analogous to limitations with respect to ambassadors and public ministers of foreign states.
Just as there are international legal rules of custom and conventions which authorize a host state to examine the credentials of foreign ambassadors and public ministers, Port State may validly examine the credentials of foreign ships; and just as improper conduct or criminal conduct may forfeit the limited immunities of foreign dignitaries, also "bad conduct" on the part of a foreign ship may forfeit the limited immunities which the Port State is otherwise obliged to extend to her" (9).

Thus, a ship in a foreign port is still governed within herself by the laws of the flag state of the ship, and in the absence of a direct, obvious and imminent threat to other shipping or to the port itself, safety is also a matter comprehended within the vessel herself; and thus the controlling safety laws are those of the flag state of the ship, and not those of various port or coastal states, but the IMO Conventions have made some changes to the extent that safety is no longer a matter entirely within the ship herself, but is now

a partial responsibility of the Port State. However, execution of IMO Safety Conventions is the responsibility of the Flag State; the Port State's role is limited to verification and, to a limited degree, enforcement.

2.5 Port State Enforcement of IMO Safety Conventions

By becoming party to a convention in force, the Port State enters a contract with all flag state co-parties; this contract modifies the sovereign rights of the parties to it, enhancing some and curtailing others. In the IMO Safety and Prevention of Pollution Conventions, the rights of the Port States are enhanced because conventional international law now establishes a standard procedure whereby they may board and examine foreign merchant ships for safety and prevention of pollution defects, when those ships call at port or place within the jurisdiction of the state. However, the rights of Port State are also curtailed, because to comply with the conventional law, they must follow specified procedures for such examinations like the ones specified in the following IMO Conventions. The Convention for Safety of Life at Sea - SOLAS 1974 expresses "Every ship holding a certificate issued under regulation 12 or regulation 13 of chapter I is subject in the ports of the other contracting governments to control by officers duly authorized bu such governments in so far as this control is directed towards verifying that there is on board a valid certificate. Such certificate shall be accepted unless there are clear grounds for believing that the conditions of the ship or of its equipment does not correspond substantially with the particulars of that certificate.

In that case, the officer carrying out the control shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew. In the event of this control giving rise to intervention of any kind, the officer carrying out the control shall inform the consul of the country in which the ship is registered in writing forthwith of all circumstances in which intervention was deemed to be necessary, and the facts shall be reported to the Organization" (10). Also it expressed in the International Convention for the prevention of pollution from ships 1973/1978 "A ship required to hold a certificate is subject, while in the ports or off-shore terminals under the jurisdiction of a party or off-shore terminals under the jurisdiction of a party to inspections by officers duly authorized by the party (Port State). Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the conditions of the ship or its equipment does not correspond substantially with the particulars of that certificate.

In that case, or if the ship does not carry a valid certificate, the Port State carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat or harm to the marine environment. That party (Port State) may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available"(11).

The International Convention on Load Line 1966 expresses that Port State control shall be limited to the purpose of deter-

mining that the ship's load correspond with the certificate and load line (12). In the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, STCW 1978, Port State control is oriented towards verification that the proper certificates specified by the Convention are on board, and "such certificates shall be accepted unless there are clear grounds for believing that a certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom that certificate was originally issued" (13). It may be discovered during the exercise of Port State control that a certificate is absent, expired or otherwise invalid, or that conditions do not accord with the particulars of the certificate. In any of these cases, the Conventions limit the measures which may be imposed by Port States to those which ensure that the vessel obtains a valid certificate or that conditions are brought into at least substantial compliance with the particulars of the certificate. It is the exclusive responsibility of the Flag State of the ship to impose penalties for violation of IMO Safety and Prevention of Pollution Conventions.

Thus it is clear that Port States which are parties to IMO Safety and Prevention of Pollution Conventions have been granted and accepted a limited responsibility for enforcement.

CHAPTER III

The Port State Control in Europe
The Memorandum of Understanding on Port State Control (MOU)

3.1 The Agreement of the Memorandum of Understanding

In Western Europe on January 26, 1982 after the sad fact of the foundered AMOCO CADIZ in March 1978, more stringent commitments on Port State control were felt to be necessary over the first step to a coordinated and harmonized Port State control, resulted in the Memorandum of Understanding of 1978.

"With respect to the Memorandum of Understanding on Port State control in Europe the new Memorandum had to cover these main themes:

- Safety at sea
- prevention of pollution by Ships
- living and working conditions on board" (1)

and also it is said "The main underlying reason for the MOU's birth was of course that we cannot afford that substandard shipping threatens our ports and the environment" (2).

Thus on this date of January 26, 1982 the maritime authorities of 14 European nations (3) reached an understanding which came into effect in July 1982 that each would maintain an effective system of Port State control with a view to ensuring that without discrimination as to flag, foreign merchant ships visiting the ports of its state comply with instruments laid down in various international Conventions.

As Iain Sproat said "The Paris Memorandum, signed by fourteen European Maritime authorities, established with effect from 01 July 1982, a harmonised and co-ordinated system for the inspection of 25 % of foreign ships calling at European ports, without discrimination as to flag, for the purpose of detecting those which fail to meet standards laid down in international Conventions on Safety, Manning and Pollution Prevention, securing the rectifications of deficiencies and discouraging the operation of sub-standard vessels" (4).
The character of the Memorandum of Understanding is the agreement on a number of commitments and procedures which are directly related to the internationally adopted instruments.

What has been laid down in international Conventions as a right for a Port State, namely, to inspect foreign flag ships on the basis of the Convention in question has been taken up as a commitment towards each other to do so in practice in a harmonized way. Besides, ships should only be inspected in one of the region ports once every six months in order to avoid unnecessary inspections. An effective information system must take care of information on inspections made by each authority in order to avoid duplication of the work.
As A. J. Cowley said "The Memorandum of Understanding on Port State control, which was concluded in Paris in January 1982, is a follow-up to the earlier discussions on harmonised port state control which started in 1976. The authorities concerned decided to accept stronger and clearly defined commitments on the number of inspections of foreign flag ships by each of the participating maritime authorities and to pay much greater attention to the mutual exchange of information on in-

spected ships in order to avoid duplication of inspections. Furthermore, the authorities decided to apply only those Conventions which have been ratified by the Port State involved and which have entered into force" (5).

Because the information system about inspections is important in the Port State control under the MOU, the ship receives a Port State inspection report after inspection. If there is no obvious reason to inspect a ship, and the ship has been inspected in one of the region states less than six months ago, there won't be any inspection. If such information would not exist on previous inspections in the region, there could be duplications on inspections. This shows the importance of a Port State information system in the MOU in which results of inspections are stored without delay, and in which ships' names are deleted after a six months period until another inspection of the ship is made.

The MOU stated "each authority will consult, cooperate and exchange information with the other authorities in order to further the aims of the Memorandum" (6).

The aim of the MOU was initially to achieve an annual inspection rate of 25 % of the individual ships entering a country.

According to the text of the MOU the partners should have each achieved, by 01 July 1985, an annual total of inspections corresponding to 25 % of the estimated number of individual foreign merchant ships which entered their ports in a year. The ship that has been inspected in another Port State

control partner's port according to the text of the MOU should in principle be left alone for six months.
The MOU stated "The Authorities will seek to avoid inspecting ships which have been inspected by any of the other Authorities within the previous six months, unless they have clear grounds for another inspection" (7).

Taken into consideration that most of the ships in the region enter more than one port and more than one region state within the six month period, most of the ships visiting the region will be inspected by a Port State at least once a year.

3.2 Relevant instruments of the Memorandum of Understanding

As it was stated in the Memorandum of Understanding each of the maritime authorities of the 14 European nations would maintain an effective system of Port State control with a view to ensuring that, without discrimination of flag, foreign merchant ships visiting the ports of its state comply with instruments laid down in various international Conventions.
These instruments are as follows:

"- The International Convention on Load Lines, 1966
- The International Convention for the Safety of Life at Sea, 1974
- The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974
- The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978

relating thereto;

- The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;
- The Convention on the International Regulations for Preventing Collisions at Sea, 1972;
- The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147)" (8).

It was also stated in the Memorandum that each authority would apply those relevant instruments which are in force and which its state has accepted. An instrument so amended would then be considered to be the "relevant instrument" for that authority.

As J. Cowley said "It is important to note that the Memorandum is thus in no way contradictory to the contents of internationally agreed maritime Conventions in IMO and ILO. The standards and procedures of these Conventions are only implemented by the authorities in a harmonised way. It is believed that such harmonisation is important not only for the shipping of the region states but also for the international shipping community" (9).

3.3 The "No more favourable treatment" clause

It is stated in the relevant instruments SOLAS Protocol (art. II - 3), MARPOL 1973/78 (art. 5 - (4)), and STCW 1978 (art. (5), the clause of no more favourable treatment. In the STCW Convention it is stated that "No more favourable treatment" shall be given to ships entitled to fly the flag of a non-

Party than is given to ships entitled to fly the flag of a party" (10). In the MARPOL 1973/78 it is stated that "with respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the MARPOL 1973/78 Convention as may be necessary to ensure that no more favourable treatment is given to such ships" (11).

In the Memorandum of Understanding this clause also is stated and it was agreed that "In applying a relevant instrument for the purpose of Port State control, the authorities will ensure that no more favourable treatment is given to ships entitled to fly the flag of a state which is no Party to that instrument" (12).

In this respect J. Cowley said "The no more favourable treatment clause is likewise based upon the internationally agreed instruments. The Committee is unanimously of the opinion that the "No more favourable treatment clause" should only apply with respect to those instruments which themselves contain such provision, notably in and only in SOLAS Protocol 1978, MARPOL 1973/78 and STCW 1978. It is a condition that these instruments are in force and have been ratified by the Port State exercising the inspection. The ships of non-parties to the relevant international Conventions would thus be treated no differently nor more severly than by any other individual party to the Convention" (13).

3.4 Who conducts the inspections for Port State control in European countries?

The Port State control inspections "in European countries are conducted by the same persons who conduct national inspections. They form part of the national shipping inspection service in their country. So apart from conducting inspections on their national ships, they also conduct Port State inspections, which by definition is only done on foreign ships" (14).

The Memorandum of Understanding stated that "Inspections will be carried out by properly qualified persons authorized for that purpose by the authority concerned and acting under its responsibility" (15).

3.5 Inspection procedures, Rectification and Detention

In selecting the ships for inspection, the surveyor is assisted by the daily list of incoming ships (issued by the port authorities) and the MOU list of ships which have been inspected during the previous six months. This is made by means of an online terminal from the district to the MOU computer centre in France in due time.

After comparison of these two lists the choice of ships to be inspected is regardless of flag or owner.

As indicated in the MOU, special attention is also paid to ships which may present a special hazard, for instance oil tankers and gas and chemical carriers; and also ships which have had several recent deficiencies.

When conducting an inspection under the terms of the Memorandum of Understanding, the surveyors first check the ship's documentation. If the ship's certificates are invalid or incomplete, or if the surveyor has clear grounds for believing the conditions of the ship and its equipment do not correspond substantially with the particulars on the certificate, he will use his professional judgement in deciding whether clear grounds exist to conduct a more detailed inspection.

The Memorandum of Understanding stated as "clear grounds" inter alia the following:

"- a report or notification by another Authority;
- a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded;
- other indications of serious deficiencies" (16).

If after the detailed inspection it is discovered that the ship does not comply with the appropriate international standards, steps are taken to rectify the deficiencies. In the case of serious deficiencies which are clearly hazardous to safety, health or environment, the ships may be delayed or detained until they are corrected.

The Memorandum of Understanding stated that "In the case of deficiencies which are clearly hazardous to safety, health or

environment, the Authority will ensure that the hazard is removed before the ship is allowed to proceed to sea and for this purpose will take appropriate action, which may include detention. The Authority will, as soon as possible, notify the flag state through its consul or, in his absence, its nearest diplomatic representative or its maritime authority of the action taken" (17).

After the inspection a report is always left on board as information to the master and as a proof that the ship has been inspected, also in the case of deficiencies which led to the detainment of the ship.
The details of every inspection are directly sent to the Computer in France by telex, in order that the MOU has the inspection list as up to date as possible.

This computerized regional information system for the rapid exchange of information and for statistical purposes, considerably reduces the chances of duplication of inspections. The Memorandum also establishes that "where deficiencies cannot be remedied in the port of inspection, the authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by the authority with a view to ensuring that ships can so proceed without unreasonable danger to safety, health or environment. In such circumstances the authority will notify the competent authority of the region state where the next port of call of the ship is situated, the parties mentioned in 3.7 of the MOU, and any other authority as appropriate (18).

The Memorandum stated that "when exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship", and also stated that "nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay" (19).

3.6 Application of the MOU to ships below 500 gross tonnage

It was agreed in the Memorandum of Understanding (MOU) about the application for ships below 500 gross tonange that in the case of these kinds of ships "the authorities will apply those requirements of the relevant instruments which are applicable and will to the extent that a relevant instrument does not apply, take such actions as may be necessary to ensure that those ships are not clearly hazardous to safety, health or environment" (20).

Furthermore as a result of recent agreements between MOU partners, a list of items to which surveyors should pay special attention when inspecting small ships below the size covered by MARPOL 73/78, has been included in Annex I of the original Memorandum of Understanding. Also measures have been agreed for situations in which a ship's equipment for the protection of the marine environment is inoperative.

3.7 Inclusions in the Memorandum of Understanding

After the International Convention for the Prevention of Pollution from ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) entered into force on 02 October 1983 the IMO's Procedures for the control of ships and discharges under Annex I of MARPOL 73/78 by the IMO Assembly (Resolution A 542 (13) (32)) has been included into Annex I of the Memorandum of Understanding (Guidelines for surveyors). Also after the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) entered into force on 28 April 1984. The procedures for control of manning and certification, that had been laid down in the Annex I of the Memorandum of Understanding have been up to date in order to cover the new situation after STCW entered into force.

Letters of Warning - Also the Nations partners of the Memorandum of Understanding have decided to issue letters of warning to the master of ships from states that are not party to the MARPOL 73/78 and which do not comply with MARPOL 73/78 standards.

In this letter of warning the master is informed that during future calls at ports in the 14 Port State control countries, his ship may be subject to extensive inspections and/or denial of port entry unless one of the following documents, issued by or on behalf of the Administration of his ship can be shown:

- A valid IOPP certificate in case the Flag State of his ship has become a Party to MARPOL 73/78; or
- A declaration of Compliance, stating that the ship has been surveyed and that the survey showed that the structure, equipment, systems, fittings, arrangements and material of the ship and the conditions thereof were in all respects satisfactory and that the ship complied with the applicable requirements of Annex I to MARPOL 73/78; or
- A declaration showing that an application for an IOPP certificate or Declaration of Compliance has been filed, and that the survey and inspections necessary for the issue of the said documents will take place as soon as possible.

It is said "It is also decided that the ships which do not comply with MARPOL requirements will receive a letter of warning and may be denied entry into ports in the Memorandum of Understanding region. All MOU partners will be informed through their computerized information system of the action taken" (21).

Further the master of the ship is informed that the Port State carrying out inspections on his ship may take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. These steps may include the ship being obliged to discharge all its oily wastes to port reception facilities before permission is granted to leave the port.

3.8 Documents established and used for the purposes of the MOU Port State Control

The Memorandum of Understanding in Port State control in its annexes has established different documents for use for the purpose of Port State control, such as the following:

- Telex form, in case of deficiencies not fully rectified or only provisionally repaired. This telex shall be sent to the competent authority of the region state where the next port of call of the ship is situated (see appendix 5)

- Report form on inspection in accordance with the Memorandum of Understanding on Port State control (appendix 6)

- Information system on inspections (appendix 7)

- Telex form for ships inspected (appendix 8)

Also the letter of warning is established for the masters of the ships from states that are not party to MARPOL 73/78 and which do not comply with MARPOL 73/78 standards (appendix 9).

3.9 The Aide Memoire for Surveyors

To assist surveyors in keeping track of all provisions and amendments thereto of the relevant Conventions a so called "Aide-Memoire" was issued to them. It contains, inter alia, references to convention provisions, sections and articles of the MOU and codes for the information system.

The codes for the information system and for report of inspections are shown in appendixes 10, 11, 12 and 13. A report on inspections filed with references and codes are shown in appendix 14.

3.10 Operational Violations

Regarding the operational violations, the entry into force of MARPOL 73/78 has caused the Port State control partners to decide that this section should be further elaborated. The section 5 of the Memorandum of Understanding stated that "the authorities will upon request of another authority endeavour to secure evidence relating to suspected violations of the requirements on operational matters of rule 10 of the International Regulations for Preventing Collisions at sea, 1972 and the International Convention for the Prevention of Pollution at Sea, 1973, as modified by the Protocol of 1978, relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon request of another Authority, visit in port the ships suspected of such a violation in order to obtain information and where appropriate to take a sample of any allegate pollutant" (22).

In this respect, the partners of the MOU will establish a network of liaison officers in the 14 countries to be contacted in case of violations of discharge provisions. Furthermore, the partners are examining whether telexes and forms used for investigation and reporting purposes should be further harmonized.

CHAPTER IV

THE PORT STATE CONTROL IN THE UNITED STATES OF AMERICA "THE U.S. STANDARD VESSEL BOARDING PROGRAM"

4.1 Port State control in USA

With the increased concern for the marine environment in the USA, both in general and in respect of that portion directly affecting the Port State, the Port State control took a new direction.

Before the role of the Port State in international commerce consisted mainly of interventions under Regulation 19, Chapter 1 of the SOLAS, and these interventions for Port State control have been made to ensure the safety of the ship, its crew and embarking passengers.

In 1978 "the US Port and Tanker Safety Act" was promulgated, which essentially implemented most of the provisions of the MARPOL protocol 1978.

As B.F. Hollingsworth said: "The United States has, since 1975, been gradually issuing regulations which have now brought into effect nearly all of the MARPOL equipment and construction standards for tankers. The most recent of these requirements pertain to segregated ballast tanks, clean ballast tanks, crude oil washing system, inert gas system, steering gear and navigational equipment. These were promulgated under our Port and Tanker Safety Act of 1978. In 1980 the Act to prevent pollution from ships gave us the national authority to implement the remainder of the provisions of the Conven-

tion. While many of the tanker requirements were implemented in advance of the Convention, the remaining outstanding Convention requirements will be made effective according to the Convention timetable" (1).

Also "The US Tanker Boarding Program (Port State Control) was established.

As B. F. Hollingsworth said "The Foreign Tanker Boarding Program, which is mandated by U.S. law, requires a minimum of one examination per year for every foreign flag tanker calling at a U.S. port. An examination includes a check of the vessel's certification and documentation, and a general examination of vessel, its equipment, and related operational procedures" (2).

4.2 Officer in charge of the Boarding Program (Port State control

Years before in the United States of America the Flag State responsibilities for the U.S. merchant marine in respect of the compliance with both national and international convention regulations were exercised by the officer in charge of marine inspections (Marine Inspection Office, (OMI inspections). His responsibilities included the necessary inspections and investigations related to the issuance of the US national certificate, "Certificate of Inspection" for U.S. vessels only.
Within the same ports there was located the Captain of the Port (COPT). His function was essentially to exercise Port State con-

trol of all vessels within the port. Thus within a particular port of the USA there were two offices, the "Marine Inspection Office" (OMI), essentially exercising Flag State control over U.S. vessels and the Captain of the Port (COTP), whose concern was directed mainly at Foreign flag vessels utilizing the port. Afterwards, a program was initiated to combine the functions of the "Marine Inspection Office" and the "Captain of the Port" into one unit which was designated a "Marine Safety Office" i.e. the Marine Safety Office in Baltimore was created by the merger of the Marine Inspection Office in Baltimore and the Captain of the Port Office located in Curtis Bay, Maryland.

The Marine Safety Office withtin its organization has both the expertise of the "Marine Inspection Office", marine inspection and investigating personnel and the expertise possessed by the "Captain of the Port" boarding teams. This combination has permitted the U.S. Coast Guard the more effective utilization of personnel.

This organisation is nowadays within the ports of USA, where "The Marine Safety Offices" are Heads of the "Marine Investigation Offices" (Flag State control) and "The Captain of the Port" (Port State control) with the exception of a few of the largest ports of the USA (i.e. New York) where, because of the size of the units involved, the combination of them would create an extra large organisation. In these few ports there are only the "Marine Inspection Office" (Flag State control) and "The Captain of the Port" (Port State control).

4.3 Qualification of marine inspectors

The personnel qualifications may be divided into those assigned to the "Marine Inspection Offices" and "The Captain of the Port". The qualified marine inspectors are under the former. Possessing university degree, these personnel have twelve weeks of specialized instruction plus three years on-the-job training program.

Personnel assigned the boarding responsibilities for the Captain of the Port, whose activities are not required to have such an extensive educational background, receive a specialized training and on-the-job experience, but of a lesser duration than a qualified inspector.

4.4 Conventions where Port State control is stated and which has been ratified by USA

From all the IMO Conventions that stated the Port State control and which are:

- The International Convention on Load Lines 1966 (art. 21)
- The International Convention for the Safety of Life at Sea 1974 - SOLAS (chapter 1, regulation 19)
- The International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol 1978 relating thereto (art. 4, 5 and 6)
- The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers - STCW 1978 (art. X)

The United States of America has ratified according to MSC and MEPC (IMO) up to May 1983 the following IMO Conventions that stated Port State control:

"- The International Convention on Load Lines 1966
- The International Convention for the Safety of Life at Sea 1960 and 1974
- The MARPOL Protocol 1978" (3)

4.5 Definitions used in the United States Coast Guard MSO Standard Vessel Boarding Program

Definitions: As it is stated in the "United States Coast Guard MSO Standard Vessel Boarding Program" the definitions used are the following:

"Boarding" means attending a vessel to conduct an inspection, examination, monitor, or cargo supervision.

"Inspection" means a complete inspection of the material conditions of a U.S. vessel by qualified marine inspection personnel. "Examination" means a less rigorous (than inspection) annual check for compliance with pollution prevention, general safety and Safety of Life at Sea (SOLAS) regulations of foreign vessels. It includes checking vessel certificates, records, licenses and documents including the vessel's oil transfer procedures, Oil Record Book, and the International Oil Pollution Prevention Certificate under MARPOL 73/78 or their equivalent, marine sanitation device, oily water separator and other MARPOL 73/78 equipment and navigation safety equipment.

"Monitor" means witnessing any part of the bulk or break bulk cargo operations. The visit need not occur during critical

phases (commending, topping off, or securing transfer operations) and will focus on the procedural/operational aspect or human element of the transfer.

"Supervise" means exercising necessary control and continously monitoring cargo operations from beginning to end.

"High Priority Vessel" means a vessel targeted for a boarding under any of the following criteria:

a/ no US Coast Guard inspection or examination for twelve months;

b/ no cargo or fuel oil monitoring for a period of six months for tankers, barges, general cargo vessels or other vessels and within the last three months for vessels carrying certain cargoes of particular hazard in bulk;

c/ first port on maiden voyage to the United States;

d/ recent history of pollution prevention, dangerous cargo, navigation or vessel safety violations with no corrective actions indicated by the Marine Safety Information System (MSIS), the vessel agent or the previous Marine Safety Office (MSO);

e/ no current Letter of Compliance for a bulk chemical or liquified gas tanker;

f/ recent history of cargo related accidents (oil spills, leaking hazardous material containers, etc.) with no corrective actions indicated by the MSIS, the vessel agent or the previous MSO; and

g/ a situation with the facility, vessel, weather, cargo or other factors such as safety records of particular

owners, operators or masters, which cause the Captain of the Port extra concern for the safe vessel operation or transfer of the cargo between the vessel and another vessel or facility" (4).

4.6 Standards applied to foreign flag vessels under the U.S. Tanker Boarding Program

With respect to the standards applied to foreign flag vessels under the United States Tanker Boarding Program, as Henry S. Bell said, "safety standards are parallel to international agreements. In respect of pollution standards and navigation safety in some instances exceed the requirements contained in international Conventions. In any case, however, the same standards are applied to both U.S. and foreign flag vessels within the scope of the boarding program" (5).

As B.F. Hollingworth said: "The Coast Guard conducts examinations of foreign flag vessels and inspections of U.S. flag vessels. The examinations of foreign flag vessels are less exhaustive than the inspections given to U.S. vessels. The only deviation from this policy has been when the owner of a foreign flag tank vessel has chosen the option of having the Coast Guard accept SBT, CBT, COW or IGS on the vessel. In these instances, the Coast Guard conducts the necessary inspections of this equipment in the same fashion as would be done on a U.S. tank vessel" (6).

4.7 Target of the "United States Coast Guard MSO Standard Vessel Boarding Program"

The target of the "United States Coast Guard Standard Vessel Boarding Program" is:

"- Increase enforcement efficiency by reducing the number of boardings on the same vessel over a given period of time;
- target boarding efforts towards vessels defined as high priority;
- focus boarding team efforts on the greatest cause of accidents - human error; and
- follow uniform standard vessel examination and monitoring practices to the extent practicable" (7).

4.8 Computerized system "Marine Safety Information System" (MSIS)

The USCG has a computerized system called the Marine Safety Information System (MSIS) providing information concerning the past hitory of the vessels that have arrived on other opportunities to U.S. ports. The information that is gleaned from the system is a synopsis of the vessels' casualty history and records of deficiencies, pollution history, violation history, and boarding history along with other particulars concerning the status of the vessels' certificates. In this respect in the U.S. Coast Guard Roles and Missions report it is stated: "The Coast Guard has an interim Marine Safety Information System (MSIS) providing limited information on vessels, violations, casualties and records of deficiencies. An expansion of the system is underway, that will enable the MSIS to achieve a predictive posture allowing the

evaluation and comparison of design, casualties, accidents, repair effectiveness and equipment performance" (8).
Reports from ships boardings are entered into the Marine Safety Information System (MSIS) that is a computer net work that links 70 major U.S. ports. Using MSIS, a captain of the port can look at a complete vessel history that includes information about any discrepancy noted during earlier boardings and the result of any violation cases prosecuted.

4.9 No more favourable treatment

As Admiral B. F. Hollingsworth said "As a party to MARPOL 73/78 the United States has undertaken the obligation to apply its requirements as may be necessary to ensure that no more favourable treatment is given to ships of non-parties.
At present, non-parties constitute some 40 per cent of the tonnage of the world's merchant shipping fleet. In our view, MARPOL's requirements must be applied uniformly by nations party to the convention, and we will be working through IMO to encourage a vigorous enforcement effort by Port and Flag States. Within the U.S. Coast Guard, my office is tasked with enforcement of MARPOL. It is my intention to ensure that the U.S. Merchant Fleet is not put at an economic disadvantage with sipping of other nations. Our boarding and inspection programs will see that all ships entering U.S. waters are in full compliance with this convention. If non-complying ships were to receive any hint of preferential treatment, I believe that it would be a great disservice to the many shipowners

who have, in good faith, built or modified their vessels to meet MARPOL" (9).

4.10 Types of boardings in USA

The types of boardings in USA are stated in the United States Coast Guard MSO Standard Vessel Boarding Program 5010.8 (appendix 15).

4.11 Procedure in USA for the boarding of foreign tank vessels

Every foreign vessel arriving at a United States port must give 24 hours advance notice of arrival to the Captain of the Port (COTP) where the vessel is scheduled to arrive. Upon receipt of the message, the COTP will enter vessel identifying parameters into the computerized system, the "Marine Safety Information System", in order to receive information concerning the past history of the vessel. The information obtained from the system is a synopsis of that vessel's casualty history, pollution history, violation history, and boarding history along with other particulars concerning the status of the vessel's certificates. The boarding history file details the recent U.S. Coast Guard involvement with the vessel, in terms of boardings and examinations, and the result of those activities. An evaluation of this information aids the COTP in reaching a decision regarding the possible forthcoming U.S. Coast Guard level of involvement with that vessel. He may decide that a boarding is not necessary because of the absence of deficiencies and the recency of U.S. Coast Guard activity on board that vessel. In another instance, he may despatch a qualified dangerous cargo man/pollution

investigator to monitor cargo transfer operations for safety and compliance with U.S. Pollution Prevention Regulations. In the event that a tank vessel is due for the annual tank vessel safety examination or a follow-up examination to verify the corrections of outstanding deficiencies, he will require that a qualified Marine Inspector and a qualified Coast Guard dangerous cargo man/pollution investigator board the vessel to conduct the examination in accordance with promulgated procedures. During the course of conducting a boarding/examination, deficiencies may be discovered by boarding team personnel. Those deficiencies required to be corrected (temporarily or permanently) while a tank vessel is in a U.S. port are those that pose an immenent threat to the safety of the port, crew, vessel or environment. Depending upon the nature of the deficiency, correction may be required prior to cargo transfer, or cargo transfer may be allowed to proceed with corrective action being required prior to the vessel's departure.

In those cases where foreign flag tank vessels are found to have deficiencies which are violations of applicable U.S. regulations, permanent correction of the deficiencies are required immediately.

Those deficiencies not required to be permanently corrected immediately are appropriately recorded on the Tank Vessel Examination Letter which is given to the Master of the vessel at the conclusion of a boarding/examination. All foreign flag tank vessels which have been previously examined and subsequently are found not to be in compliance with

applicable U.S. regulations, after either being in compliance at a previous examination or after expiration of any permitted delay in correction, are cited.

The officer in charge of Marine Inspection indicates the date (month/year) by which a deficiency should be permanently corrected. In making this determination, the officer in charge of Marine Inspections may consult the master to ensure that a reasonable and quitable time period is alloted. However, the maximum time period allowed for permanent correction of any deficiency may not exceed one year.

Deficiencies required to be permanently corrected prior to a tank vessel re-entering a U.S. port are those that have been alloted a specific time period to affect permanent repairs. A vessel with a deficiency on record must be boarded at the first U.S. port of call after the expirataion date for correction of the deficiency. Depending upon the nature of the deficiency, consideration is given to conducting this boarding at anchorage or at the sea buoy rather than at the transfer terminal. If permanent repairs have not been completed within the alloted time period, a re-evaluation of the temporary repair is made and this could result in an extension of the time limit for permanently correcting the deficiency. In the event an extension of the time period for permanent repair is not granted, the vessel must be denied entry or detained.

The U.S. tank vessel act provides authority to deny entry into the navigable waters of the U.S. to a tankship which is

not on compliance with applicable provisions of the act or regulations issued thereunder. The U.S. Coast Guard Captain of the Port (COTP) has been delegated this authority and may exercise the authority when non-compliance constitutes a hazard to the environment or the safety of the port.

The situation may occur where a foreign tank vessel for a number of reasons, including a previous denial of entry or an extremely poor historical safety record, may be restricted on entry to a specific location either inside or outside the port complex to await boarding and examination by a tank vessel safety examination team. This examination could result in the granting of port clearance or conversly, an order by the COTP for the vessel to depart U.S. waters under authority of the U.S. Ports and Waterways Safety Act. Finally, the COTP may outright deny the vessel entry to his port. In the case that a vessel is to be denied entry, the COTP will notify the Master or agent that vessel entry in U.S. navigable waters is denied until the vessel complies with the applicable regulations. However, the COTP only uses this authority when he is satisfied that the vessel, if not in compliance, would constitute a hazard to the environment or the safety of the port. In making such a determination, the COTP weighs the possible result of denial of entry to the safety of the vessel's crew. In cases where the conditions of a ship subject to SOLAS may present a danger to the passengers or crew of the ship, if it is permitted to sail, Regulation 19 of Chapter I, SOLAS 1974 authorizes enforcement officers of parties to SOLAS to detain the ship.

The United States Coast Guard has undertaken a program in cooperation with the classification societies which permits a ship owner to ascertain if his vessel is in compliance with the U.S. standards prior to its arrival at a U.S. port. This program consists of a survey conducted by recognized classification societies at the owner's expense which will provide him with information on the condition of his vessel. This survey is voluntary in nature and is not a requirement of the US Coast Guard. The purpose of this voluntary survey is to prevent unnecessary delay in arrival at a U.S. port or embarrassment to the owner in the event that major deficiencies were found during the port state inspection. The presentation of a copy of the survey when a vessel arrives at a U.S. port will be considered during the port state inspection. As B.F. Hollingworth said: "A survey report indicating that an examination was previously conducted by a classification society is extremely helpful to the Coast Guard inspector. However, the vessel will not automatically be accepted just because the survey report is on board the vessel - if there is a reason to suspect a ship may not be in compliance at the time of the port call. The Coast Guard inspector has the option of verifying as much of the survey report as considered necessary" (10).

Even though the United States has not ratified the STCW Convention in the boardings of foreign ships, it makes the control regarding manning in order to ensure that operations and movements in U.S. waters are conducted safely. All licenses must be current and appropriate as to route, tonnage, horsepower, etc., and must have been issued by the Administration of the country of vessel registry or by a nation signatory to

the Solas Convention. (Regulation 13 of chapter V SOLAS 1960 and 1974 imposes an obligation on parties to SOLAS to ensure that ships under their registry are sufficiently and efficiently manned from the point of view of the safety of life at sea).

4.12 MARPOL 73/78 Boarding and enforcement Policies and Procedures - USA

As it is stated in the "United States Coast Guard MARPOL 73/78 Boarding and Enforcement Policies and Procedures". When "on 02 October 1983 MARPOL 73/78 entered into force and the United States, as a party is obligated to enforce the annex I, Regulations for the Prevention of Pollution by Oil. As the U.S. enforcement agent for MARPOL 73/78, the Coast Guard has the authority and responsibility to ensure that U.S. ships, foreign party ships, and foreign non-party ships visiting U.S. ports comply with the new equipment and operational procedures imposed by MARPOL 73/78" (11).

It is also stated "The U.S. has implemented MARPOL 73/78 requirements and published related policy advice. As of 02 October 1983 U.S. ships and ships visiting U.S. ports are required to have on board certain oil pollution equipment and follow certain operational procedures to reduce the discharge into the sea of oil and oily waste from normal shipboard operations.

The four keys for the enforcement of MARPOL 73/78 compliance are the International Oil Pollution Prevention (IOPP) Certi-

ficate, the new Oil Record Book (ORB), the cargo and bilge oil discharge montoring equipment, and the damage stability information. The IOPP Certificate equivalency for non-Party ships verify that all required pollution control equipment is on board and properly functioning. The ORB provides a record of all internal/external ship transfers and discharges of oil and oily waste and information concerning inoperative transfer or pollution prevention equipment. The oil discharge monitoring equipment provides a continous record of the concentration of oil discharged into the sea and the time and date of the discharge. The damage stability information provides a means to verify that the ship is properly loaded for safety and pollution considerations" (12).

The United States Coast Guard has incorporated the "Procedures for the Control of Ships and Discharges under Annex I of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto" IMO Resolution A.542 (13). MARPOL 73/78 includes a number of provisions, supplemented by guidelines on specific control procedures, for States other than Flag State to exercise control over foreign ships visiting ports or offshore terminals under their jurisdiction. Thus the "Procedures for the Control of Ships and Discharges" for annex I of MARPOL 73/78 (IMO Res. A.542(13) brings together the provisions and the guidelines for port and coastal state control.

Also the Resolution above mentioned stated "Parties should make effective use of the opportunities that the Port State control provides for identifying deficiencies and substandard

operations, if any, in visiting foreign ships which may render them pollution risks and for ensuring that remedial measures are taken. The purpose of these guidelines is to assist Parties to exercise effective Port and coastal State control and thereby to contribute towards the attainment of the objectives of MARPOL 73/78" (13).

4.13 Certificate of Financial Responsibility - US Coast Guard.

All vessels entering U.S. ports are required to carry on board a U.S. Coast Guard Certificate of Financial Responsibility. This certificate guarantees the vessel operator's ability to pay for pollution clean up and damages.

The U.S. Federal Register vol. 48 stated "This part sets forth the procedures for operators to demonstrate that they are financially able to meet their liability to the United States resulting from the discharge of oil or hazardous substances" (14).
It also stated that "No vessel shall use any port or place in or the navigable waters of the United States, unless that vessel has a Certificate covering that vessel and its operator" (15).

CHAPTER V

CONCLUSIONS

As the main conclusion of this dissertation it is possible to say that for developing countries that have ratified IMO Conventions for safety and prevention of pollution, and nowadays are concentrating their efforts on implementing what they have introduced or perhaps have already implemented their flag and port state control according to the SOLAS and Load Line Conventions that came into force some years ago. Now with the coming into force of MARPOL 73/78 Convention on 02 October, 1983 that has strong focus on construction and equipment and has equally important emphasis on the limitation of operational discharges of oil and harmful substances into the sea it will be a challenge for developing countries to update their systems of Port State control according the requirements of MARPOL 73/78 Convention and also enforcement of MARPOL's operational requirements. With the objective to prevent that substandard foreign ships arrive to their ports or coastal waters and pollute their waters with chronic discharges of oil or harmful substances or effluents containing such substances, or a martime accident of considerable dimension with pollution of great areas of the coastal sea as a consequence of a big spill occur and affecting the fishery and tourist industry.

With respect to the control of ships and discharges under MARPOL 73/78, IMO has developed control procedures for Port State control (IMO resolution A.542(13)). These procedures deal with inspection/ control of:

- the ship and its equipment

- relevant certificates
- operational discharges for loading/discharging and COW.

This IMO resolution with respect to the control of ships and discharges under MARPOL 73/78 stated that brings together the provisions that MARPOL 73/78 includes for States other than flag states (port and coastal states) to exercise control over foreign ships visiting ports or offshore terminals under their jurisdiction and guidelines, supplementary to these provisions, on specific control procedures developed by the Organization.

In consequence developing countries that have ratified MARPOL 73/78 besides the implementation and enforcement of the obligation as a port state must also make the implementation and enforcement as a coastal state (coastal state control) and for this will require an offshore surveillance for the enforcement of MARPOL's operational requirements (violations). Thus the IMO resolution above mentioned (Res. A.542(13)) stated that "The purpose of these guidelines is to assist Parties to exercise effective Port and Coastal State control and thereby contribute towards the attainment of the objectives of MARPOL 73/78.

The United Nations Conference on the Law of the Sea in their article 211 (pollution from vessels) stated also the rights for Port States and Coastal States for the prevention of pollution from foreign vessels in waters of their jurisdiction.

Also as a conclusion it is possible to say that the main objective of IMO for "Safe ships and clean seas" will not be reached only with an appropriate implementation and enforcement of all the obligations that a contracting government assumes as a Flag State

without the implementation and enforcement of the complementary part as a Port State and that safety at sea and freedom from pollution cannot be achieved solely by signing international conventions. It is a necessary and appropriate implementation of the Flag State control and the Port State control in order to enforce the international conventions both on our ships and on the ships of other nations visiting our own ports, regardless of whether their flag state is a party to these international conventions.

It is important also to say, that the maritime authorities of developing countries should make regional agreements on Port State control in each region in order to coordinate their efforts on Port State control, avoid waste of personnel and resources, to give to the Port State control a better dynamic in each region, to have harmonisation and cooperation in a large geographical area, because port state enforcement of standards should not be done on a unilaterial basis as shipping is international and should be dealt with on an international basis.

With respect to the STCW that came into force on April 28, 1984 the developing countries that have ratified this convention will also need to update their Port State control according to this convention and take into consideration that a great ship"s casualties are caused by human error, rather than by constructional imperfections or deficiencies in safety equipment.

It is necessary for developing countries in order to update their Port State control the ratification of the IMO international conventions that stated the Port State control and which are:

- The International Convention on Load Lines 1966
- The International Convention for the Safety of Life at Sea 1974 (SOLAS)
- The International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol 1978 relating thereto
- The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers - STCW 1978.

And the incorporation of these conventions in their National Maritime Safety Legislation, it is also necessary to incorporate the Resolutions that IMO has developed about the control procedures for Port State control and which are:

- Resolution A.466(XII) adopted on 19 November 1981
  "Procedures for the Control of Ships"

- Resolution A.481(XII) adopted on 19 November 1981
  "Principles of Safe Manning"

- Resolution A.542(13) adopted on 17 November 1983
  "Procedures for the Control of Ships and Discharges under Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto".

With respect to the problem about personnel (surveyors) for Port State control and after the analysis of the European and the USA Port State controls and also what is said by Dr J Cowley: "In general, it may be said that Port State inspections are normally performed by Government surveyors and general inspections are either

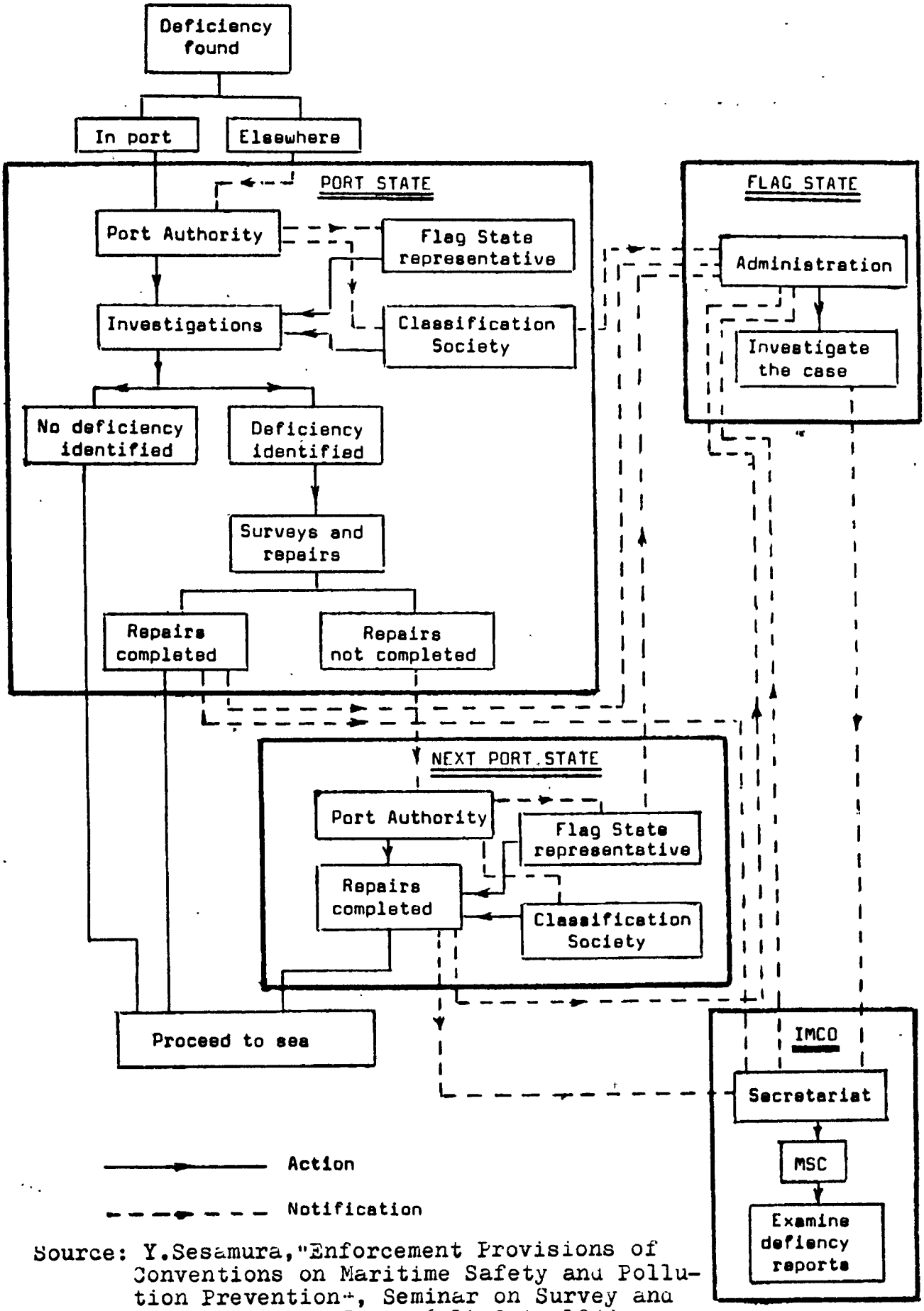
performed by Government surveyors or by private organisations (other than Classification Societies) or individual surveyors appointed by the Administration. Statutory surveys are almost invariably dealt with by either Government surveyors or by surveyors of the Classification Societies (who "class" ships for insurance purpose" and also said that "Surveys" refer to surveys for statutory certificate purposes under the conventions and "inspections" refer to Port State inspections of foreign ships and also to general inspections of an Administration's own ships".

For developing countries there are the two alternatives to chose in order to solve the problem of Personnel (surveyors) for Port State control - to make the Port State inspections with all the Government surveyors in turn or preparing personnel with a specialized training and on the job experience, but the lesser duration than a qualified surveyor for a specific purpose of Port State control and when in the daily intervention of this personnel occur a doubt about deficiencies, the government surveyor, most qualified for the case, should be warned.
The former alternative could be for port states where ports do not have so many visits of foreign merchant ships and the latter could be for port states where ports have a considerable number of visits of foreign merchant ships.

As a final conclusion and after the analysis of the Port States controls described in this desertation, it is possible to say that for an effective Port State control it is necessary to have a computerized system of information and that the ports must have the appropriate reception facilities. Because one of the basic principles for controlling the discharge of oil, oil mixtures, noxious liquid substances and noxious liquid substances mixtures into the sea is that the residues, oily mixtures and noxious liquid substances mixtures, for which discharge is prohibited the applicable Convention, should be retained on board and transferred to port reception facilities for treatment and ultimate disposal. The lack of shore reception facilities gave the master justification for such prohibited discharge.

APPENDIX 1

Port State Control



Source: Y.Sesamura,"Enforcement Provisions of Conventions on Maritime Safety and Pollution Prevention", Seminar on Survey and Certification, Tokyo 6-10 Oct. 1980.

RESOLUTION A.466(XII)

Adopted on 19 November 1981
Agenda item 10(b)

PROCEDURES FOR THE CONTROL OF SHIPS

THE ASSEMBLY,

RECALLING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization,

RECALLING FURTHER that it had adopted by resolution A.321(IX) Procedures for the Control of Ships under Regulation 19 of Chapter I of the International Convention for the Safety of Life at Sea, 1960, and Article 21 of the International Convention on Load Lines, 1966,

NOTING that the Maritime Safety Committee as requested in resolution A.321(IX) prepared the document entitled "Sub-standard Ships: Guidelines on Control Procedures" (MSC/Circ. 219),

RECALLING ALSO that with resolution A.390(X) it had urged Governments of flag States to submit information about action taken in respect of ships entitled to fly the flag of their State which were reported as not complying fully with the requirements of the above Conventions,

REAFFIRMING its desire to ensure that ships comply at all times with maritime safety standards prescribed by relevant conventions,

HAVING NOTED the continuous work of the Maritime Safety Committee on the subject of improving the Procedures for the Control of Ships, including the Guidelines, with reference to the International Convention for the Safety of Life at Sea, 1974,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its forty-third session,

1. ADOPTS the improved Procedures for the Control of Ships and Guidelines thereto contained in the Annex to this resolution, which supersedes the texts set out in the Annex to resolution A.321(IX) and in MSC/Circ.219;

2. INVITES Member Governments and Contracting Governments to the aforementioned Conventions to implement the improved Procedures and Guidelines;

3. REQUESTS Governments concerned to provide information on:

   (a) The services available in each country for the controlling functions under the relevant Conventions and when necessary to update the information previously submitted;

   (b) Action taken in respect of ships found to be deficient in relation to the above Conventions in their role as either port or flag State Government;

Source: IMO, Resolution A.466 (XII), 19 November 1981

4. REQUESTS the Maritime Safety Committee to continue its work on this subject with a view to improving the Procedures and Guidelines further as may be necessary and progressively to extend these to cover:

(a) The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;

(b) The forthcoming amendments to the 1974 SOLAS Convention; and

(c) Any new conventions;

when experience has been gained with these instruments;

5. FURTHER REQUESTS the Secretariat to update when necessary the information from Member countries on inspection services available domestically and abroad, for circulation to Governments concerned.

ANNEX

PROCEDURES FOR THE CONTROL OF SHIPS

1 Introduction

1.1 Under the provisions of the applicable International Convention for the Safety of Life at Sea and the International Convention on Load Lines, 1966, the Administration (i.e. the Government of the flag State) is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these Conventions full and complete effect so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

1.2 In some cases it may be difficult for the Administration to exercise full and continuous control over some ships entitled to fly the flag of its State, for instance those ships which do not regularly call at a port of the flag State. The problem can be, and has been, partly overcome by appointing inspectors at foreign ports or authorizing classification societies to act on behalf of the flag State Administration.

1.3 The following control procedures should be regarded as complementary to national measures taken by Administrations of flag States in their countries and abroad and are intended to assist flag State Administrations in securing compliance with convention provisions in safeguarding the safety of crew, passengers and ships.

1.4 The procedures are intended to apply to ships which come under the provisions of the applicable International Convention for the Safety of Life at Sea and the International Convention on Load Lines, 1966.

1.5 Port States should carry out control of ships of non-convention countries and of ships below convention size, but deficiency reports should be submitted to the Administration of the country concerned and not to the Organization.

1.6 Deficiency reports under the Memorandum of Understanding between certain maritime Administrations or any similar agreement should not be sent to the Organization except if related to IMCO conventions and in conformity with the present procedure.

2 General

2.1 Regulation 19 of Chapter I of the applicable International Convention for the Safety of Life at Sea, and Article 21 of the International Convention on Load Lines, 1966, provide for control procedures to be followed by the Contracting Governments with regard to foreign ships visiting their ports. The authorities of port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ships which may render them sub-standard (see 3.1) and ensuring that remedial measures are taken. Such control may be initiated either:

.1 by a visit of a control officer of the port State to verify that there are on board valid certificates; or

.2 on the basis of information regarding a sub-standard ship submitted to the authorities of the port State in accordance with the procedures under section 4.

2.2 Contracting Governments should be aware that whereas they may entrust inspection and survey either to surveyors nominated for this purpose or to organizations recognized by them, it is preferable that the right to board and inspect ships for the purposes of control and the power to detain them should be implemented by government inspectors including those surveyors of the classification societies who, in practice, act as government officials of the port State.

2.3 Guidelines on control procedures are given in Appendix 1.

3 Identification of a sub-standard ship

3.1 In general, a ship is regarded as sub-standard:

3.1.1 if the hull, machinery or equipment such as for life-saving, radio and fire-fighting are below the standards required by the relevant Convention, owing to, *inter alia;*

.1 the absence of equipment or arrangement required by the conventions;

.2 non-compliance of equipment or arrangement with relevant specifications of the Conventions;

.3 substantial deterioration of the ship or its equipment because of, for example, poor maintenance; and

3.1.2 if these evident factors as a whole or individually make the ship unseaworthy and would put at risk the life of persons on board if it were allowed to proceed to sea.

3.2 The lack of valid certificates (or the lack of Radiotelegraph Operator's Certificates or Radiotelephone Operator's Certificates) as required by the relevant Conventions, will constitute *prima facie* evidence that a ship may be sub-standard and will form the basis of a decision to detain the ship forthwith and to inspect it.

3.3 It is impracticable to define a sub-standard ship solely by reference to a list of qualifying defects. The inspector will have to exercise his professional judgement to determine whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies which are not vital to the safety of the ship, its crew or passengers, having regard to the particular circumstances of the intended voyage.

4 Submission of information to a port State about a sub-standard ship

4.1 Information that a ship appears to be sub-standard may be submitted to the appropriate authorities of the port State (see 4.4) by a member of crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers. So far as the crew is concerned, it would be advisable that the submission should be subscribed to by more than one member.

4.2 It is desirable that such information should be submitted in writing. This would permit proper documentation of the case and of the alleged deficiencies including the identification of the source of the information. When the information is passed verbally, it is preferable to require subsequently the filing of a written report, identifying for the purposes of the port State's records the individual or body providing the information.

4.3 Information which may cause an investigation to be made should be submitted as early as possible after the arrival of the ship giving adequate time to the authorities to act as necessary.

4.4 Each Contracting Government should determine which authorities should receive information on sub-standard ships and initiate action. Measures should be taken to ensure that information submitted to the wrong department should be promptly passed on by such department to the appropriate authority for action.

5 Action by port States in response to information about sub-standard ships

5.1 On receipt of information about a sub-standard ship, the authorities, after evaluating, in consultation with the master as appropriate, the seriousness of the information and the reliability of its source, should immediately investigate the matter and take the action required by the circumstances. Information judged by the authorities to be bona fide under the present procedures could constitute clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the relevant certificates required by the applicable International Convention for the Safety of Life at Sea, or the International Convention on Load Lines, 1966, and the consequential need for inspection. Care should be taken to avoid any undue delay to the ship.

5.2 Authorities which receive information about a sub-standard ship which could give rise to intervention should forthwith notify any maritime, consular and/or diplomatic representatives of the flag State in the area of the ship and request them to initiate or co-operate with investigations. Likewise, the classification society which has issued the relevant certificates on behalf of the flag State should be notified. These provisions will not, however, relieve the authorities of the Contracting Government of the port State from the responsibility for taking appropriate action in accordance with its powers under the relevant Conventions.

5.3 If the port State receiving information is unable to take action because there is insufficient time or no inspectors can be made available before the ship sails, the information should be passed to the authorities of the country of the next appropriate port of call, to the flag State and also to the relevant classification society in that port, where appropriate.

6 Procedures to be followed after exercise of control

6.1 The authorities of port States which have exercised control giving rise to intervention of any kind, whether or not as a result of information about a sub-standard ship, should forthwith notify any maritime, consular and/or diplomatic representatives of the flag State in the area of the ship of all the circumstances unless this is already done under 5.2. If such notification is made verbally, it should be subsequently confirmed, in writing. Likewise, the classification societies which have issued the relevant certificates on behalf of the flag State should be notified.

6.2 If the ship has been allowed to sail with known deficiencies, the authorities of the port State should communicate all the facts to the authorities of the country of the next appropriate port of call, to the flag State and to the relevant classification society, where appropriate. Lists of Addresses of Administrations to which the reports should be sent and of available inspection services are given in Appendix 3.

6.3 Contracting Governments, when they have exercised control giving rise to intervention of any kind, are urged to submit to the Organization reports in accordance with Regulation 19 of Chapter I of the applicable International Convention for the Safety of Life at Sea or Article 21 of the International Convention on Load Lines, 1966. Such deficiency reports should be made in accordance with the form given in Appendix 2.

6.4 Copies of deficiency reports made in accordance with paragraph 6.3 by Contracting Governments should, in addition to being forwarded to the Organization, be sent by the port State without delay to the authorities of the flag State and, where appropriate, to the classification society which had issued the relevant certificate. Deficiencies found which are not related to the applicable International Conventions for the Safety of Life at Sea, and the International Convention on Load Lines, 1966, should be submitted to flag States and/or to appropriate organizations but not to IMCO.

6.5 On receipt of such deficiency reports, the Administration of the flag State and/or, where appropriate, the classification society through that Administration, in addition to initiating any remedial action, is urged to forward comments to the Organization as soon as possible, preferably within three months after receipt. Such comments should be made in accordance with the form given in Appendix 2.

6.6 In the interest of making information regarding deficiencies and remedial measures generally available, a summary of such reports which have been received six months prior to every session of the Maritime Safety Committee should be prepared by the Secretariat, for consideration by the Maritime Safety Committee at every session, together with comments, if any, provided by the Administration of the flag State, which should include the reports of the classification society, if any. Copies of the reports should be circulated also to Contracting Governments which are not Members of IMCO.

6.7 In the summary of deficiency reports an indication should be given (flag State action) as to whether a comment by the flag State concerned is outstanding (comment). Deficiency reports upon which expected flag State comments are outstanding shall be repeated in consecutive summaries of deficiency reports until such comments have been received. Before repeating such deficiency reports in subsequent summaries, the Secretariat should remind flag States concerned of any outstanding comments.

6.8 While Article 21 of the International Convention on Load Lines, 1966, does not provide for the submission of deficiency reports to the Organization, it is recommended that such reports should be made and submitted in accordance with the Procedures for the Control of Ships and the Guidelines on Control Procedures, where failure to comply with the convention requirements has led to an intervention by a port State.

APPENDIX 1

GUIDELINES ON CONTROL PROCEDURES

General

1 In the exercise of control functions the surveyor will have to use his professional judgement to determine whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies which are not vital to the safety of the ship, its crew or passengers, having regard to the particular circumstances of the intended voyage. The following notes are intended to be used for the guidance of surveyors mainly in connexion with the physical condition of a ship and its equipment. Nevertheless the surveyor should also take into account the requirement of Regulation 13, Chapter V of the applicable International Convention for the Safety of Life at Sea that all ships shall be sufficiently and efficiently manned.

2 In the pursuance of control procedures under Regulation 19 of Chapter I of the applicable International Convention for the Safety of Life at Sea, or Article 21 of the International Convention on Load Lines, 1966, which, for instance, may arise from information given to a port State regarding a sub-standard ship, an authorized surveyor may proceed to the ship and before boarding gain, from its appearance in the water, an impression of its standard of maintenance from items such as the condition of its paintwork, corrosion or pitting and unrepaired damage.

Year of build

3 At the earliest possible time the surveyor should ascertain the year of build for the purpose of determining which conventions are applicable and to indicate that information in the report.

4 On boarding and introduction to the master or responsible ship's officer, he should examine all SOLAS Convention and Load Line Convention certificates. He should also take note of any requirements placed on the certificates by the flag State indicating which convention requirements for new ships shall be applied to their existing ships. If the certificates are valid and his general impressions and his visual observations on board confirm a good standard of maintenance he should generally confine his inspection to any reported deficiencies.

Inspection

5 If, however, the surveyor from his general impressions or observations on board has clear grounds for believing that the ship might be sub-standard, he should proceed to a more detailed inspection, taking the following considerations into account.

Structure

6 His impression of shell maintenance and the general state on deck, the condition of such items as ladderways, guardrails, pipe coverings, and areas of corrosion or pitting should influence his decision as to whether it is necessary to make the fullest possible examination of the structure with the ship afloat. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, may justify detention. It may be necessary for the underwater portion of the ship to be checked. In reaching his decision, the surveyor should have regard to the seaworthiness and not the age of the ship, making an allowance for fair wear and tear over the minimum acceptable scantlings. Damage not affecting seaworthiness will not constitute grounds for judging that a ship should be detained, nor will damage that has been temporarily but effectively repaired for a voyage to a port for permanent repairs. However, in his assessment of the effect of damage the surveyor should have regard to the location of crew accommodation and whether the damage substantially affects its habitability.

Machinery spaces

7 The condition of the machinery and of the electrical installations should be such that they are capable of providing sufficient continuous power for propulsion and for auxiliary services.

8 During inspection of the machinery spaces, the surveyor will form an impression of the standard of maintenance. Frayed or disconnected quick closing valve wires, disconnected or inoperative extended control rods or machinery trip mechanisms, missing valve handwheels, evidence of chronic steam, water and oil leaks, dirty tank tops and bilges or extensive corrosion of machinery foundations are pointers to an unsatisfactory organization. A large number of temporary repairs including pipe clips or cement boxes will indicate reluctance to make permanent repairs.

9 While it is not possible to determine the condition of the machinery without performance trials, general deficiencies such as leaking pump glands, dirty water gauge glasses, inoperable pressure gauges, rusted relief valves, inoperative or disconnected safety or control devices, evidence of repeated operation of diesel engine scavenge belt or crankcase relief valves, malfunctioning or inoperative automatic equipment and alarm systems, and leaking boiler casings or uptakes, would warrant inspection of the engine room log-book and investigation into the record of machinery failures and accidents and a request for running tests of machinery.

10 If one electrical generator is out of commission, the inspector should investigate whether power is available to maintain essential and emergency services and should make tests.

11 If evidence of neglect becomes evident, the surveyor should extend the scope of his investigation to include, for example, tests on the main and auxiliary steering gear arrangements, overspeed trips, circuit breakers, etc.

12 It must be stressed that while detection of one or more of the above deficiencies would afford guidance to a sub-standard condition, the actual combination is a matter for professional judgement in each case.

Conditions of assignment of load lines

13 It may be that the surveyor has concluded that a hull inspection is unnecessary but, if dissatisfied, on the basis of his observations on deck, with items such as defective hatch closing arrangements, corroded air pipes and vent coamings, he should examine closely the conditions of assignment of load lines, paying particular attention to closing appliances, means of freeing water from the deck and arrangements concerned with the protection of the crew.

Life-saving appliances

14 The effectiveness of life-saving appliances depends heavily on good maintenance by the crew and their use in regular drills. The lapse of time since the last survey for a Safety Equipment Certificate can be a significant factor in the degree of deterioration of equipment if it has not been subject to regular inspection by the crew. Apart from failure to carry equipment required by a Convention or obvious defects such as holed lifeboats, the surveyor should look for signs of disuse of, or obstructions to, boat launching equipment which may include paint accumulation, seizing of pivot points, absence of greasing, condition of blocks and falls and improper lashing or stowing of deck cargo.

15 Should such signs be evident, he would be justified in making a reasonably detailed inspection of all life-saving appliances. Such an examination might include the lowering of boats, a check on the servicing of liferafts, the number and condition of life-jackets and lifebuoys and ensuring that the pyrotechnics are still within their period of validity. It would not normally be as detailed as that for a renewal of the Safety Equipment Certificate and would concentrate on essentials for safe abandonment of the ship, but in an extreme case could progress to a full Safety Equipment Certificate inspection. The provision and functioning of effective overside lighting, means of alerting the crew and provision of illuminated routes to embarkation positions should be given importance in the inspection.

Fire safety

16 ***Ships in general:*** The poor condition of fire and wash deck lines and hydrants and the possible absence of fire hoses and extinguishers in accommodation spaces might be a guide to a need for a close inspection of all fire safety equipment. Even on a ship which is otherwise well regulated and maintained, the effectiveness of the emergency fire pump can be suspect. However, if the fire pump is inoperable, this in itself would not constitute grounds for judging the ship as sub-standard, but the ship should not be permitted to sail until the fire pump is operable or some alternative means is provided. In addition to compliance with convention requirements the surveyor should look for evidence of a higher than normal fire risk; this might be brought about by a poor standard of cleanliness in the machinery space, which together with significant deficiencies of fixed or portable fire-extinguishing equipment could lead to a judgement of the ship being sub-standard.

17 ***Passenger ships:*** Having regard to the annual survey requirements applicable to passenger ships with convention certificates, the number of such ships likely to qualify for consideration as sub-standard should be small in relation to cargo ships. However, the surveyor should initially form his opinion of the need for inspection of the fire safety arrangements on the basis of his consideration of the ship under the previous headings and, in particular, that dealing with fire safety equipment. If the surveyor considers that a more detailed survey of fire safety arrangements is necessary, he should examine the fire control plan on board in order to obtain a general picture of the fire safety measures provided in the ship and consider their compliance with convention requirements for the year of build. Queries on the method of structural protection should be addressed to the flag Administration and the surveyor should generally confine his inspection to the effectiveness of the arrangements provided.

18 The spread of fire could be accelerated if fire doors are not readily operable. The surveyor might inspect for their operability and securing arrangements those doors in main zone bulkheads and stairway enclosures and in boundaries of high fire risk spaces such as main machinery rooms and galleys, giving particular attention to those retained in the open position. Attention should also be given to main vertical zones which may have been compromised through new construction. An additional hazard in the event of fire is the spread of smoke through ventilation systems. Spot checks might be made on dampers and smoke flaps to ascertain the standard of operability. The surveyor might also ensure that ventilation fans can be stopped from the master controls and that means are available for closing main inlets and outlets of ventilation systems.

19 Attention should be given to the effectiveness of escape routes by ensuring that vital doors are not maintained locked and that alleyways and stairways are not obstructed.

Regulations for Preventing Collisions at Sea

20 A vital aspect of ensuring safety of life at sea is full compliance with the Collision Regulations. In his observations on deck the surveyor should consider the need for close inspection of lanterns and their screening and means of making sound and distress signals.

Cargo Ship Safety Construction Certificate

21 The general condition of the ship may lead the surveyor to consider matters other than those concerned with safety equipment and assignment of load lines, but nevertheless associated with the safety of the vessel, such as the effectiveness of items associated with the Cargo Ship Safety Construction Certificate, which can include pumping arrangements, means for shutting off air and oil supplies in the event of fire, alarm systems and emergency power supplies.

Cargo Ship Safety Radio Certificates

22 The validity of the Cargo Ship Safety Radiotelegraphy or Safety Radiotelephony Certificate may be accepted as proof of the provision and effectiveness of its associated equipment but the surveyor should ensure that appropriate certificated personnel are carried for its operation and for listening periods. The radio log should be examined to confirm that mandatory safety radio watches are being maintained.

Equipment in excess of convention or flag State requirements

23 Equipment on board which is expected to be relied on in situations affecting safety or pollution prevention must be in operating condition. If such equipment is inoperative and is in excess of the equipment required by an appropriate convention and/or the flag State it should be repaired, removed or, if removal is not practicable, clearly marked as inoperative and secured.

Temporary substitution of equipment

24 In any inspection concerned with the assessment of a ship, the surveyor should have as his objective the ensuring of conditions vital for the safety of the ship and its passengers and/or crew. This should be the determining factor in his judgement whether to detain. It may be that replacement equipment cannot be obtained without serious delay to the ship; in such a case, provided effective alternative means are substituted until convention requirements can be met, the ship should not be detained, always on the understanding that due promptness is observed in effecting replacements. A typical example is substitution of liferafts for a damaged boat; provided that means are also available for rescuing a man overboard, a ship should not be detained. However, the associated circumstances of the need for replacement of equipment should be considered in the surveyor's assessment of the ship.

Conclusion

25 The surveyor should ensure that all vital remedial measures are taken to safeguard the safety of the ship and its passengers and/or crew before permitting a ship to sail.

APPENDIX 2

PORT STATE REPORT ON DEFICIENCIES[1]

(Issued in accordance with resolution A.466(XII))

1. Reporting country : .....
2. Name of ship ..... type of ship[2] .....
3. Flag of ship .....
4. Gross tonnage ..... year of build .....
5. Date and place of inspection ..... 19... .....
6. Nature of deficiency in relation to Convention requirements.

(a) *deficiency*[3]	(b) *Convention Regulation*[4]
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.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

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1 Deficiencies concerning matters not related to the applicable International Convention for the Safety of Life at Sea, and the International Convention on Load Lines, 1966, should be submitted to flag States and/or the organization concerned.

2 Indicate whether passenger ship, cargo ship, bulk carrier, tanker, ro/ro vessel, fishing vessel, etc.

3 Refer only to the relevant parts or equipment of the ship which were found deficient (e.g. life-saving equipment, machinery and electrical installations, hull, radio installation, fire-fighting equipment, watertight integrity, etc.) as appropriate. Detailed deficiency report to be forwarded to the flag State without delay.

4 Quote the relevant convention Regulation (e.g. Regulation 9(a)(i), Chapter III, SOLAS 1974).

7. Relevant Certificates

(a) *title*	(b) *issuing authority*	(c) *dates of issue and expiry*
1.	.....	.....to.....
2.	.....	.....to.....
3.	.....	.....to.....
4.	.....	.....to.....
5.	.....	.....to.....

(d) *The information below concerning the last intermediate survey shall be provided if the next survey is due or overdue:*

1. Date: ..... 19... Place: .....
   by .....
   (surveying Authority)
2. Date: ..... 19... Place: .....
   by .....
   (surveying Authority)
3. Date: ..... 19... Place: .....
   by .....
   (surveying Authority)
4. Date: ..... 19... Place. .....
   by .....
   (surveying Authority)
5. Date: ..... 19... Place: .....
   by .....
   (surveying Authority)

8. Brief note of action taken:[5]

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9. Flag State, classification society and/or next port of call, as appropriately notified, as follows:[6]

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.....
.....
.....

[5] E.g. vessel detained, consul informed, Certificate withdrawn/renewed/extended, provisional certificate issued and conditions under which it was issued, next port of call informed, etc. . . .

[6] Quote title and address of Administration and/or classification society

COMMENTS BY FLAG STATE ON DEFICIENCY REPORT

(Issued in accordance with resolution A.466(XII))

Deficiency report No:[1] .....

Name of ship: .....

Flag State: .....

Gross tonnage: .....

Reporting country: .....

Classification society involved: .....

Brief note on remedial action taken:[2] .....

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1 Quote symbol and report number of IMCO list of deficiency reports (e.g. MSC XLI/4, Annex 1, No. 48)

2 Indicate also action, if any, regarding the relevant Certificates (e.g. extension, renewal, withdrawal, provisional and conditions).

APPENDIX 3

RESOLUTION A.481(XII)

Adopted on 19 November 1981
Agenda item 10(b)

PRINCIPLES OF SAFE MANNING

THE ASSEMBLY,

RECALLING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization,

RECALLING FURTHER Article 29(a) of that Convention which requires the Maritime Safety Committee to consider, *inter alia,* the manning of sea-going ships from a safety standpoint,

NOTING that safe manning is a function of the number of qualified or experienced seafarers necessary for the safety of the ship, crew, passengers, cargo and property and for the protection of the marine environment,

RECOGNIZING the importance of the requirements of the pertinent instruments adopted by ILO, IMCO, ITU and WHO for maritime safety and protection of the marine environment and, in particular, the ILO Merchant Shipping (Minimum Standards) Convention, 1976 (No.147) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,

BEING AWARE that the ability of seafarers to maintain observance of these requirements is dependent upon their continued efficiency through conditions relating to training, hours of work and rest, occupational safety, health and hygiene and the proper provision of food,

BELIEVING that international acceptance of broad principles as a framework for administrations to determine the safe manning of ships would materially enhance maritime safety,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its forty-fourth session,

1. URGES Member Governments to take the necessary steps to ensure that every sea-going ship to which the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, applies carries on board at all times a document issued by the Administration specifying the minimum safe manning required for such ship and containing the information given in Annex 1 to this resolution;

2. URGES FURTHER that Member Governments, when exercising port State control functions under international conventions in force with respect to a foreign ship visiting their ports, should regard compliance with such a document as evidence that the ship is safely manned;

3. RECOMMENDS that, in establishing the minimum safe manning for each such ship, Administrations observe the following broad principles and take into account the guidelines set out in Annex 2 to the present resolution which provide the capability to:

(a) Maintain a safe navigational watch in accordance with Regulation II/1 of the 1978 STCW Convention and also maintain general surveillance of the ship;

(b) Moor and unmoor the ship effectively and safely;

Source: IMO, Resolution A.481 (XII), 19 November 1981

(c) Operate all watertight closing arrangements and maintain them in effective condition and also deploy a competent damage control party;

(d) Operate all on-board fire equipment and life-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark passengers, non-essential personnel and other crew members;

(e) Manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea;

(f) Maintain a safe engineering watch at sea in accordance with Regulation III/1 of the 1978 STCW Convention and also maintain general surveillance of spaces containing main propulsion or auxiliary machinery;

(g) Operate and maintain in a safe condition the main propulsion and auxiliary machinery to enable the ship to overcome the foreseeable perils of the voyage;

(h) Maintain the safety arrangements and the cleanliness of all accessible spaces to minimize the risk of fire;

(i) Provide for medical care on board ship;

4. RECOMENDS ALSO that, in applying such principles, Administrations take proper account of the existing ILO, IMCO, ITU and WHO instruments in force which deal with:

(a) Training of seafarers;

(b) Certification of seafarers;

(c) Watchkeeping;

(d) Hours of work and rest;

(e) Occupational health and hygiene;

(f) Crew accommodation;

5. RECOMMENDS FURTHER that the following on-board functions, when applicable, should be taken into account;

(a) On-going training requirements for all personnel including the operation and use of fire-fighting, emergency and life-saving equipment and watertight closing arrangements;

(b) Specialized training requirements for particular types of ships, e.g. oil, chemical and liquefied gas tankers;

(c) Encouragement of the carriage of entrant seafarers to allow them to gain the training and experience required by the 1978 STCW Convention;

(d) Proper provision of food;

(e) Need to undertake emergency duties and responsibilities;

6. INVITES the Maritime Safety Committee to keep this resolution under review.

ANNEX 1

CONTENTS OF MINIMUM SAFE MANNING DOCUMENT

The following information should be stated in the document, in whatever form, which is issued by the Administration specifying minimum safe manning. If the language used is not English the information given should include a translation into English:

.1 a clear statement of the ship's name, its port of registry and its distinctive number or letters;

.2 a table showing the numbers and grades of the personnel required to be carried, together with any special conditions or other remarks;

.3 a formal statement by the Administration that, having regard to the principles and guidelines set out in this resolution and in Annex 2, the ship named in the document is considered to be safely manned if, whenever it proceeds to sea, it carries not less than the numbers and grades of personnel shown in the document, subject to any special conditions stated therein;

.4 a statement as to any limitations on the validity of the document by reference to particulars of the individual ship and the nature of service upon which it is engaged;

.5 the date of issue and any expiry date of the document together with a signature for and the seal of the Administration.

ANNEX 2

GUIDELINES FOR THE APPLICATION OF PRINCIPLES OF SAFE MANNING

1 INTRODUCTION

1.1 These Guidelines should be used in applying the basic principles of safe manning to ensure the safe operation of ships covered by Article III of the 1978 STCW Convention. This application may differ depending upon such factors as:

.1 voyage description including trade or trades in which the ship is involved, length and nature of voyage, and waters;

.2 number, size (kW) and type of main propulsion units and auxiliaries;

.3 size of ship;

.4 construction and technical equipment of ship.

1.2 These Guidelines are applicable only to masters and to officers and ratings in the deck and engine departments.*

* The mandatory requirements for the carriage of radio officers and radio telephone operators are contained in the SOLAS Conventions and the ITU Radio Regulations.

1.3 In applying these Guidelines an Administration should bear in mind that there should be a sufficient number of qualified personnel to meet peak work-load situations and conditions with due regard to the number of hours of shipboard duties and rest periods that may be assigned to a seafarer.

1.4 An Administration may retain or adopt arrangements which differ from the provisions herein recommended and which are especially adapted to technical developments and to special types of ships and trades. However, at all times the Administration should satisfy itself that the detailed manning arrangements ensure a degree of safety at least equivalent to that established by these guidelines.

2 BRIDGE WATCHKEEPING

Principle: The capability to maintain a safe navigational watch in accordance with Regulation II/1 of the 1978 STCW Convention and also to maintain general surveillance of the ship.

2.1 In addition to navigational and collision avoidance duties, the officer in charge of the navigational watch who is in effective control of the ship should exercise general surveillance over the ship and should take all possible precautions to avoid pollution of the marine environment. This surveillance will include, for example, the investigation of evidence of fire and unusual noises, security of cargo, general safety of crew members when working in exposed locations, the general watertight integrity of the ship and action in the event of man overboard.

2.2 The bridge watch should consist of at least one officer qualified to take charge of a navigational watch and at least one qualified or experienced seaman provided that:

.1 the watch complies with the requirements of Regulation II/1 of the 1978 STCW Convention, particularly paragraphs 4 and 9;

.2 when an automatic pilot is used, the helmsman may be released for other duties subject to the provisions of Regulation 19, Chapter V of the 1974 SOLAS Convention;

.3 except in ships of limited size the provision of qualified deck officers should be such that it is not necessary for the master to keep regular watches;

.4 except in ships of limited size a three watch system should be adopted.

2.3 Where the bridge watch consists of one officer and one seaman, there should be the capability to provide further assistance at any time if the officer of the watch requires additional help. Such assistance should be readily available and fit for duty.

3 MOORING AND UNMOORING

Principle: The capability to moor and unmoor the ship effectively and safely.

3.1 The number of persons required for mooring a ship varies from very few, in respect of a ship fitted with sophisticated mooring equipment, to a large number in ships where it is necessary to manhandle ropes and wires.

3.2 At each end of the ship there should be sufficient persons to enable them to accept and effectively secure a tug and to send away, tension and secure lines and backsprings. Any necessary operations should be capable of being performed at bow and stern simultaneously. All other moorings required are solely a function of time and not of additional manpower.

3.3 Where a ship is regularly trading to a port or ports where the mooring operation is known to be particularly exacting in terms of manpower, suitable provision of extra personnel should be made.

3.4 Details of any operations in which a ship is required to adopt a sophisticated mooring pattern involving the use of anchors should be clearly established. It will then be possible to identify simultaneous operations and enable adequate manpower to be provided for the peak workload.

3.5 If a ship is required to moor to another when both are underway, as in the case of some lightening operations, the workload involved should be analysed and manpower provided for the peak workload condition.

3.6 In cases where a number of variations of mooring procedures are required to be performed, or where any unusual or onerous operations may be contemplated, each should be evaluated in terms of the manpower necessary for its safe accomplishment.

4 WATERTIGHT INTEGRITY

Principle: The capability to operate all watertight closing arrangements and maintain them in effective condition and also to deploy a competent damage control party.

4.1 Assessment should commence with an examination of the ship's plans to identify the areas where the watertight integrity of the ship is effected by means of closing appliances.

4.2 The demands of each closing appliance or system of closing appliances should be evaluated in terms of the physical workload required for its operation during an emergency or with the onset of heavy weather.

4.3 A damage control party composed of assigned personnel with appropriate skills should be available to respond to emergencies involving damage or loss of watertight integrity.

5 SAFETY EQUIPMENT, MUSTERING AND DISEMBARKATION

Principle: The capability to operate all on-board fire equipment and life-saving appliances, to carry out such maintenance of this equipment as is required to be done at sea, and to muster and disembark passengers, non-essential personnel and other crew members.

5.1 The application of this principle varies in accordance with the diversity and range of equipment involved. The manpower requirement can be decided only by considering the workload involved in a particular ship.

5.2 Each ship should have an emergency organization which will include the allocation of personnel for fire parties, boat preparation parties and man overboard emergencies. A list of duties should be posted on board and the crew exercised in emergency drills in accordance with the requirements of the 1974 SOLAS convention.

5.3 In the case of ships carrying a large number of passengers in proportion to crew, the manpower required is usually dictated by emergency situations where passengers need to be mustered and disembarked in an orderly manner. This is dependent upon the internal arrangement of the ship, the equipment fitted, and the maximum number of persons involved. The most demanding phase in regard to manpower requirements is normally either the initial emergency phase or the abandon ship phase. Both phases should be carefully considered.

5.4 The master and all crew members have a duty to assist in any emergency affecting the ship or in rendering assistance to persons on other ships in distress.

6 STATIONARY OR NEAR-STATIONARY SHIPS

Principle: The capability to manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea.

6.1 At present such ships are mainly concerned with offshore exploration and development activities where by the nature of their operations they may carry a large number of specialized personnel with limited knowledge of the maritime environment. It is important that such ships carry a nucleus of adequately trained marine crew to instruct the specialized personnel in the use of safety equipment and evacuation procedures and to assist in the event of an emergency.

6.2 Support services for specialized personnel and their particular requirements should be so arranged as to avoid making demands upon the marine crew, which are unrelated to safety.

6.3 All personnel carried on board should be organized and practised in the actions to be taken in typical emergency situations. Some of these emergency situations will involve their specialist activities.

7 ENGINEERING WATCHKEEPING

Principle: The capability to maintain a safe engineering watch at sea in accordance with Regulation III/1 of the 1978 STCW Convention and also to maintain general surveillance of spaces containing main propulsion and auxiliary machinery.

7.1 The designated duty engineer officer is in effective charge of the engineering watch and should exercise general surveillance over the main propulsion machinery, essential ship's equipment and systems necessary for the safe operation of the ship's main plant and auxiliary machinery, and avoidance of pollution of the marine environment.

7.2 The engineering watch should consist of not less than one duly qualified engineer officer and may include appropriate engine-room ratings; it should conform with the requirements of Regulation III/1 of the 1978 STCW Convention. In designating the number of personnel assigned to engineering watches, account should be taken of the following:

.1 the number, size (kW) and type of the main propulsion and auxiliary units over which surveillance is to be maintained and the number of machinery spaces containing these units;

.2 the adequacy of internal communication;

.3 except in ships of limited propulsion power the provision of qualified engineer officers should be such that it is not necessary for the chief engineer to keep regular watches;

.4 except in ships of limited propulsion power a three watch system should be adopted.

Watch arrangements on ships permitted to operate with a reduced manning level based upon automated or periodically unattended operation should be consistent with the approval permitting such operation.

7.3 The designated duty engineer officer or other engine room personnel should not be required to keep a watch in an engine room alone or enter the main machinery spaces alone, unless their safety can be confirmed to the navigating bridge at frequent intervals, either by means of a monitoring system or other equivalent method acceptable to the Administration.

8 OPERATION AND MAINTENANCE OF MACHINERY

Principle: The capability to operate the main propulsion and auxiliary machinery and maintain it in a safe condition to enable the ship to overcome the foreseeable perils of the voyage.

8.1 There should be a sufficient number of qualified personnel to:

.1 operate the main propulsion machinery, essential ship's equipment and systems necessary for the safe operation of the ship's main plant and auxiliary machinery and to carry out routine maintenance of such machinery, equipment and systems;

.2 meet the possible need to continue the safe operation of the ship for a limited period on a manually operated basis, in the event of an automation or instrumentation failure.

9 SAFETY ARRANGEMENTS IN MACHINERY SPACES

Principle: The capability to maintain the safety arrangements and the cleanliness of machinery spaces to minimize the risk of fire.

9.1 There should be a sufficient number of designated personnel available to ensure adequate cleanliness of machinery spaces.

9.2 Manning systems may exist whereby crew members, who are not permanently assigned to the engine room complement, are given training in certain engine room duties and work in the engine room for specified limited periods.

9.3 Such maintenance as is required to be done at sea should be carried out on engine room fire-fighting, fire detection and fire prevention equipment.

APPENDIX 4

RESOLUTION A.542(13)

Adopted on 17 November 1983
Agenda item 12

PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES UNDER ANNEX I OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

THE ASSEMBLY,

RECALLING Article 16(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations concerning marine pollution,

RECALLING FURTHER that the Parties to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), have undertaken to give effect to its provisions in order to prevent the pollution of the marine environment by the discharge of, *inter alia*, oil or oily mixtures in contravention of that Convention,

RECALLING ALSO that it had adopted by resolution A 391(X) Procedures for the Control of Discharges under the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962 and 1969,

REAFFIRMING its desire to ensure that ships comply at all times with the marine pollution standards prescribed by MARPOL 73/78,

NOTING that the provisions of MARPOL 73/78 relevant to the port State control of ships and discharges will be strengthened by the development of procedures to implement these provisions,

HAVING CONSIDERED the recommendation made by the Marine Environment Protection Committee at its eighteenth session,

1. ADOPTS the Procedures for the Control of Ships and Discharges under Annex I of MARPOL 73/78 as set out in the Annex to this resolution which supersedes the Procedures contained in resolution A.391(X);

2. INVITES Member States and Parties to MARPOL 73/78 to implement the procedures and thereby to contribute towards the attainment of the objectives of that Convention;

3. REQUESTS Governments concerned to provide information on action taken in respect of ships found to be deficient in relation to MARPOL 73/78 in their role as either port or flag State administration;

4. FURTHER REQUESTS the Secretariat to collect and update when necessary the information referred to above for circulation to the Governments concerned;

5. REQUESTS ALSO the Marine Environment Protection Committee to continue its work on this subject with a view to improving the procedures further as may be necessary and to extend its work progressively to cover amendments to MARPOL 73/78 and experience gained from implementation and enforcement of the Convention.

Source: IMO, Resolution A.542 (13), 17 November 1983

ANNEX

PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES UNDER ANNEX I OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

PREAMBLE

1 The Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) have undertaken to give effect to its provisions* in order to prevent the pollution of the marine environment by the discharge of, *inter alia,* oil or oily mixtures in contravention of that Convention.

2 The provisions cover the design and equipment of ships, the execution of surveys and inspections in order to ensure that the design and equipment comply with the relevant international standards and cover the operations of ships in so far as this concerns the protection of the marine environment.

3 The primary responsibility for securing that objective in relation to any particular ship rests with the Administration of the flag State. No attempt is made in this document to lay down guidelines for Administrations in this respect.

4 In some cases, and this applies especially to the operational provisions, it may be difficult for the Administration to exercise full and continuous control over some ships entitled to fly the flag of its State. Such ships for instance may not call regularly at ports or offshore terminals under the jurisdiction of the flag State.

5 The problem can be and has been overcome partly by appointing inspectors at foreign ports or authorizing classification societies to act on behalf of the flag State. In addition MARPOL 73/78 includes a number of provisions for States other than the flag State to exercise control over foreign ships visiting ports or offshore terminals under their jurisdiction. Guidelines, supplementary to these provisions, on specific control procedures have also been developed by the Organization. This document brings together the provisions and the guidelines for port and coastal State control referred to above.

6 Parties should make effective use of the opportunities that port State control provides for identifying deficiencies and substandard operations, if any, in visiting foreign ships which may render them pollution risks and for ensuring that remedial measures are taken. The purpose of these guidelines is to assist Parties to exercise effective port and coastal State control and thereby to contribute towards the attainment of the objectives of MARPOL 73/78.

7 Nothing in these guidelines should be construed as derogating from the powers of any Party to take measures within its jurisdiction in respect of any matter to which MARPOL 73/78 relates or as extending the jurisdiction of any Party.

8 For the inspections carried out under these control procedures Article 7 of MARPOL 73/78 applies in that:

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* In this document the provisions of MARPOL 73/78 include proposed amendments contained in MEPC/Circ.97 and MEPC/Circ.99.

.1 All possible efforts shall be made to avoid a ship being unduly detained or delayed; and

.2 when a ship is unduly detained or delayed by the control procedures it shall be entitled to compensation for any loss or damage suffered

CHAPTER 1 – INTRODUCTION

1.1 This document sets out procedures for the control of ships under MARPOL 73/78 and contains guidelines for port States and, where appropriate, for coastal States to ensure that a ship continues to comply with the relevant provisions of Annex I of MARPOL 73/78.

1.2 A number of factors may cause the condition of a ship to be considered as posing a threat of harm to the marine environment rendering the ship involved a pollution risk. These factors fall into categories which include:

.1 non-compliance with the construction or equipment requirements of the Convention;

.2 inoperative or malfunctioning equipment;

.3 non-compliance with the operational requirements of the Convention.

The control procedures aim to identify such a pollution risk and to provide the basis for remedial action.

1.3 Of necessity these control procedures have been divided into different categories each of which is dealt with in a separate chapter. It must, however, be kept in mind that one category may involve another so that for a certain ship more than one chapter of this document may be applicable.

1.4 Chapter 2 contains guidance aimed at ascertaining whether a ship holds a valid International Oil Pollution Prevention (IOPP) Certificate and is built, equipped and operating in compliance with the relevant provisions of MARPOL 73/78.

1.5 Chapter 3 contains guidance on the gathering of evidence of violation of the discharge provisions contained in Annex I.

1.6 Chapter 4 contains guidance on in-port inspections of crude oil washing operations.

1.7 Chapter 5 contains guidance on control measures for ships of non-Parties to MARPOL 73/78.

1.8 Chapter 6 contains guidance on the dissemination of information obtained as a result of exercising port State control and, if appropriate, coastal State control.

1.9 In five appendices to this document detailed guidelines are given for officials charged with carrying out the control procedures referred to above.

CHAPTER 2 — INSPECTION OF CERTIFICATE, SHIP AND EQUIPMENT

2.1 A ship required to hold a certificate* in accordance with the relevant provisions under MARPOL 73/78 is subject to port State control.

2.2 Under Article 5 of MARPOL 73/78, when duly authorized officers of a Party inspect a foreign ship which is required by MARPOL 73/78 to hold a certificate and which is in a port or an offshore terminal under the jurisdiction of that State,

.1 any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate;

.2 where such grounds exist, or if the ship does not carry a valid certificate, the Party shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

.3 that Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

2.3 Parties to MARPOL 73/78 should be aware that they may entrust surveys and inspections of ships entitled to fly their own flag either to surveyors nominated for this purpose or to organizations recognized by the Administration, under Article 5 of MARPOL 73/78, port State control, including boarding, inspection and possible detention should be exercised by officers duly authorized by the port State. This authorization may be a general grant of authority or may be specific on a case by case basis.

2.4 Parties may undertake an inspection on the basis indicated in paragraph 2.2 above:

.1 at their own initiative;

.2 at the request of, or on the basis of information provided by, another Party; or

.3 on the basis of information provided by a member or members of the crew, a professional body, an association, a trade union or any other interested individual.

2.5 Each Party should determine which authorities should receive information on alleged pollution risks.

2.6 Information received which alleges Convention violations or risk of pollution on the part of a ship referred to in paragraph 2.4.3 above should, where appropriate, be obtained in writing. The report by a port State on the investigation of a particular incident to be furnished to the flag State for appropriate action in accordance with paragraph 3.6.4 should include this information unless it is required to be treated as confidential under its laws or regulations.

2.7 On receipt of information on alleged pollution risks, the port State authorities concerned should, after evaluating the seriousness of the information and the reliability of its source, immediately investigate the matter, in consultation with the nominated surveyor or recognized organization as necessary, and take action required by the circumstances.

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* Under Regulation 5(1) of Annex I, in the case of existing ships the requirement for an IOPP Certificate applies 12 months after the date of entry into force of MARPOL 73/78, i.e. 2 October 1984.

2.8 The port State will then have to determine whether to detain a ship until the deficiencies are corrected, whether to allow it to proceed to the nearest appropriate repair yard available after taking any temporary measures as necessary, or whether to allow it to sail with certain deficiencies which are not vital from the viewpoint of avoiding an unreasonable threat of harm to the marine environment, having regard to the particular circumstances.

2.9 If a port State permits a ship with known deficiencies to proceed to a repair yard, a report should be submitted to the flag State. In addition it should:

.1 if that repair yard is under its own jurisdiction, continue to exercise appropriate port State control;

.2 if that repair yard is under the jurisdiction of a Party other than the flag State, communicate all the facts to the authorities of that Party.

2.10 When a surveyor nominated or organization recognized by an Administration determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization, in accordance with Regulation 4(3)(d) of Annex I of MARPOL 73/78 shall immediately ensure that corrective action is taken. If such corrective action is not taken, the Certificate should be withdrawn and the Administration and the port State authority should be notified. Upon receiving such notification the port State authorities shall give such surveyors or organizations any necessary assistance to carry out their obligations in this respect.

2.11 If authorities receiving information are unable to take action because there is insufficient time or because no inspectors can be made available before the ship sails, the information should be passed to the flag State and to the authorities of the country of the next port of call, if other than the flag State. On receipt of the information the authorities of the country of the next port of call may exercise the jurisdiction granted them under Article 5 as referred to above.

2.12 Where any exercise of port State control gives rise to action against a ship, the port State shall notify the flag State in accordance with chapter 6

2.13 The procedures set out in paragraph 2.3 to 2.12 should be applied also to existing ships to which the requirements for an IOPP Certificate are not applicable until 12 months after the date of entry into force of MARPOL 73/78.

2.14 The procedures set out in paragraphs 2.3 to 2.12 should, as appropriate, be applied also in respect of ships which on account of their size are not required to carry an IOPP Certificate.

2.15 Port State authorities should ensure that, on the conclusion of an inspection, the master of the ship is provided with a document giving the results of the inspection and details of any action taken.

2.16 For details in respect of inspections under this chapter, reference is made to Appendix 1 of this document.

CHAPTER 3 – CONTRAVENTION OF THE DISCHARGE PROVISIONS

3.1 Regulations 9 and 10 of Annex I prohibit the discharge into the sea of oil except under precisely defined conditions. A record of these operations shall be completed, where appropriate, in the form of an oil record book and shall be kept in such a place as to be readily available for inspection at all reasonable times.

3.2 Regulations referred to above provide that whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or of its wake, a Party should, to the extent that it is reasonably able to do so, promptly investigate the facts bearing on the issue of whether or not there has been a violation of the discharge provisions.

3.3 Recognizing the likelihood that many of the violations of the discharge provisions of the Convention will take place outside the immediate control and knowledge of the flag State, Article 6 of MARPOL 73/78 provides that Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and gathering evidence. MARPOL 73/78 also contains a number of more specific provisions designed to facilitate that co-operation.

3.4 Several sources of information about possible violations of the discharge provisions can be indicated. These include:

.1 Reports by masters: Article 8 and Protocol I of MARPOL 73/78 require *inter alia* a ship's master to report certain incidents involving the discharge or the probability of a discharge of oil or oily mixtures.

.2 Reports by official bodies: Article 8 of MARPOL 73/78 requires furthermore that a Party issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities incidents involving the discharge or the probability of a discharge of oil or oily mixtures.

.3 Reports by other Parties: Article 6 provides that a Party may request another Party to inspect a ship. The Party making the request shall supply sufficient evidence that the ship has discharged oil or oily mixtures.

.4 Reports by others: It is not possible to list exhaustively all sources of information concerning alleged contravention of the discharge provisions. Parties should take all circumstances into account when deciding upon investigating such reports.

3.5 Action by States other than the flag or port States that have information on discharge violations (hereinafter referred to as coastal States):

.1 Coastal States, Parties to MARPOL 73/78, upon receiving a report of oil pollution allegedly caused by a ship, may investigate the matter and collect such evidence as can be collected. For details of the desired evidence reference is made to Appendix 2.

.2 If the investigation referred to under 3.5.1 above discloses that the next port of call of the ship in question lies within its jurisdiction, the coastal State should also take port State action as set out under 3.6 below.

.3 If the investigation referred to under 3.5.1 above discloses that the next port of call of the ship in question lies within the jurisdiction of another Party, then the coastal State should in appropriate cases furnish the evidence to that other Party and request that Party to take port State action in accordance with 3.6.

.4 In either case referred to under 3.5.2 and 3.5.3 above and if the next port of call of the ship in question cannot be ascertained, the coastal State shall inform the flag State of the incident and of the evidence obtained

3.6 Port State action:

.1 Parties shall appoint or authorize officers to carry out investigations for the purpose of verifying whether a ship has discharged oil in violation of the provisions of MARPOL 73/78.

.2 Parties may undertake such investigations on the basis of reports received from sources indicated under 3.4.

.3 These investigations should be directed towards the gathering of sufficient evidence to establish whether the ship has violated the discharge requirements. Guidelines for the optimal collation of evidence are given in Appendix 2 to this document.

.4 If the investigations provide evidence that a violation of the discharge requirements took place within the jurisdiction of the port State, that port State shall either cause proceedings to be taken in accordance with its law, or furnish to the flag State all information and evidence in its possession about the alleged violation. When the port State causes proceedings to be taken, it shall inform the flag State.

.5 Details of the report to be submitted to the flag State are set out under chapter 6.

.6 The investigation might provide evidence that pollution was caused through damage to the ship or its equipment. This might indicate that a ship is not guilty of a violation of the discharge requirements of Annex I of MARPOL 73/78 provided that:

.6.1 all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

.6.2 the owner or the master did not act either with intent to cause damage or recklessly and with knowledge that damage would probably result.

However, actions by the port State as set out under chapter 2 may be called for.

CHAPTER 4 – INSPECTION OF CRUDE OIL WASHING (COW) OPERATIONS

4.1 Regulations 13 and 13B of Annex I *inter alia* require that crude oil washing of cargo tanks be performed on certain categories of crude carriers. A sufficient number of tanks shall be washed in order that ballast water is put only in cargo tanks which have been crude oil washed. The remaining cargo tanks shall be washed on a rotational basis for sludge control.

4.2 Port State authorities may carry out inspections to ensure that crude oil washing is performed by all crude carriers either required to have a COW system or where the owner or operator chooses to install a COW system in order to comply with Regulation 13 of Annex I. In addition compliance should be ensured with the operational requirements set out in the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (resolution A.446(XI)). This can best be done in the ports where the cargo is unloaded.

4.3 Parties should be aware that the inspections referred to under 4.2 above may also lead to the identification of a pollution risk, necessitating action by the port State as set out under chapter 2.

4.4 Detailed guidelines for in-port inspections of crude oil washing procedures have been approved and published by IMO* and are set out in Appendix 3

CHAPTER 5 – SHIPS OF NON-PARTIES TO MARPOL 73/78

5.1 Article 5(4) of MARPOL 73/78 provides that: "With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships". Parties should therefore apply the procedures set out in this document to ships of such non Parties.

CHAPTER 6 – NOTIFICATION TO FLAG STATE AND ORGANIZATION

6.1 Where in the exercise of port State control, a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction or takes any action against such a ship for non-compliance with the provisions of MARPOL 73/78, the Party shall immediately notify the consul or diplomatic representative of the flag State or, if this is not possible, the Administration of the ship concerned, of all circumstances. If such notification is made verbally it should be subsequently confirmed in writing.

6.2 A report on alleged deficiencies or on alleged contravention of the discharge provisions shall be forwarded to the flag State as soon as possible, preferably no later than 60 days after the observation of the deficiencies or contravention. The form of the report on alleged deficiencies is set out in Appendix 4. If a contravention of the discharge provisions is suspected then the report should be prepared on the basis of information contained in the Addendum to Appendix 2 supplemented by evidence of violations. Summaries of such reports and remedial action taken should also be sent by the port State to the Organization.

6.3 On receiving a report on alleged deficiencies or on alleged contravention of the discharge provisions the flag State shall, as soon as possible, inform the Party submitting the report of its action. That Party and the Organization should upon completion of such action be informed of the outcome. A form in which comments by the flag State on a deficiency report may be transmitted is shown in Appendix 5.

* IMO publication entitled "Crude Oil Washing Systems" – Revised edition, 1983

APPENDIX 1

INSPECTION OF IOPP CERTIFICATE, SHIP AND EQUIPMENT

1 SHIPS REQUIRED TO CARRY AN IOPP CERTIFICATE

1.1 On boarding and introduction to the master or responsible ship's officer the inspector should examine the IOPP Certificate, including the attached Record of Construction and Equipment, and the Oil Record Book.

1.2 The certificate carries the information on the type of ship and the dates of surveys and inspections. As a preliminary check it should be confirmed that the dates of surveys and inspections are still valid. Furthermore it should be established if the ship carries an oil cargo and whether the carriage of such oil cargo is in conformity with the certificate (see also 1.11 of the Record for Construction and Equipment for Oil Tankers).

1.3 Through examining the Record of Construction and Equipment the inspector may establish how the ship is equipped for the prevention of marine pollution.

1.4 If the certificate is valid and the inspector's general impression and his visual observations on board confirm a good standard of maintenance he should generally confine his inspection to reported deficiencies, if any.

1.5 If, however, the inspector from his general impressions or observations on board has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, he should proceed to a more detailed inspection.

1.6 The inspection of the engine room should begin with forming a general impression of the state of the engine room, the presence of traces of oil in the engine room bilges and the ship's routine for disposing of oil contaminated water from the engine room spaces.

1.7 Next a closer examination of the ship's equipment as listed in the IOPP Certificate may take place. This examination should also confirm that no unapproved modifications have been made to the ship and its equipment.

1.8 Should any doubt arise as to the maintenance or the condition of the ship or its equipment then further examination and testing may be conducted as considered necessary. In this respect reference is made to the IMO Guidelines for Surveys under Annex I of MARPOL 73/78 (resolution MEPC.11(18)).

1.9 The inspector should bear in mind that a ship may be equipped over and above the requirements of Annex I to MARPOL 73/78. If such equipment is malfunctioning the flag State should be informed. This alone however should not cause a ship to be detained unless the discrepancy presents an unreasonable threat of harm to the marine environment.

1.10 In cases of oil tankers the inspection should include the cargo tank and pump room area of the ship and should begin with forming a general impression of the layout of the tanks, the cargoes carried, and the routine of cargo slops disposal.

2 SHIPS OF NON-PARTIES TO THE CONVENTION AND OTHER SHIPS NOT REQUIRED TO CARRY AN IOPP CERTIFICATE

2.1 As this category of ships is not provided with an IOPP certificate, the inspector will need to satisfy himself with regard to the construction and equipment standards relevant to the ship on the basis of the requirements set out in Annex I of MARPOL 73/78.

2.2 In all other respects the inspector should be guided by the procedures for ships referred to in section 1 above.

2.3 If the ship has some form of certification other than the IOPP Certificate, the inspector may take the form and content of this documentation into account in his evaluation of that ship.

3 CONTROL

3.1 In exercising his control functions the inspector will have to use his professional judgment to determine whether to detain the ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm to the marine environment. In doing this the inspector should be guided by the principle that the requirements contained in Annex I of MARPOL 73/78 in respect of construction and equipment and the operation of ships are essential for the protection of the marine environment and that departure from these requirements could constitute an unreasonable threat of harm to the marine environment.

APPENDIX 2

CONTRAVENTION OF DISCHARGE PROVISIONS

1 Experience has shown that information furnished to the flag State as envisaged in chapter 3 of the present Procedures is often inadequate to enable the flag State to cause proceedings to be brought in respect of the alleged violation of the discharge requirements. This Appendix is intended to identify information which is often needed by a flag State for the prosecution of such possible violations.

2 It is recommended that in preparing a port State report on deficiencies as set out in Appendix 4, where contravention of the discharge requirements is involved, the authorities of the coastal or port State be guided by the itemized list of possible evidence as shown in the Addendum to this Appendix. It should be borne in mind in this connection that:

.1 the report aims to provide the optimal collation of obtainable data, however, even if all the information cannot be provided, as much information as possible should be submitted;

.2 it is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention had occurred.

3 In addition to the port State report on deficiencies, a report should be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:

.1 a statement by the observer of the pollution. In addition to the information required under section 1 of the Addendum to this Appendix, the statement should include considerations which lead the observer to conclude that none of any other possible pollution sources is in fact the source;

.2 statements concerning the sampling procedures both of the slick and on board. These should include location of and time when samples were taken, identity of person(s) taking the sample and receipts identifying the persons having custody and receiving transfer of the samples;

.3 reports of analyses of samples taken of the slick and on board, the reports should include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed and names of persons performing the analyses and their experience;

.4 a statement by the inspector on board together with his rank and organization;

.5 statements by persons being questioned;

.6 statements by witnesses;

.7 photographs of the oil slick;

.8 copies of relevant pages of Oil Record Books, logbooks, discharge recordings, etc.

All observations, photographs and documentation should be supported by a signed verification of their authenticity. All certifications, authentications or verifications shall be executed in accordance with the laws of the State which prepares them. All statements should be signed and dated by the person making the statement and, if possible, by a witness to the signing. The names of the persons signing statements should be printed in legible script above or below the signature.

4 The report referred to under paragraphs 2 and 3 above should be sent to the flag State. If the coastal State observing the pollution and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation should also send a copy of its findings to the State observing the pollution and requesting the investigation.

ADDENDUM TO APPENDIX 2

ITEMIZED LIST OF POSSIBLE EVIDENCE ON ALLEGED CONTRAVENTION OF THE MARPOL 73/78 ANNEX I DISCHARGE PROVISIONS

1 ACTION ON SIGHTING OIL POLLUTION

1.1 **Particulars of ship or ships suspected of contravention**

1.1.1 Name of ship

1.1.2 Reasons for suspecting the ship

1.1.3 Date and time (GMT) of observation or identification

1.1.4 Position of ship

1.1.5 Flag and port of registry

1.1.6 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)

1.1.7 Draught condition (loaded or in ballast)

1.1.8 Approximate course and speed

1.1.9 Position of slick in relation to ship (e.g. astern, port, starboard)

1.1.10 Part of the ship from which discharge was seen emanating

1.1.11 Whether discharge ceased when ship was observed or contacted by radio

1.2 Particulars of slick

1.2.1 Date and time (GMT) of observation if different from 1.1.3

1.2.2 Position of oil slick in longitude and latitude if different from 1.1.4

1.2.3 Approximate distance in nautical miles from the nearest landmark

1.2.4 Approximate overall dimension of oil slick (length, width and percentage thereof covered by oil)

1.2.5 Physical description of oil slick (direction and form, e.g. continuous, in patches or in windrows)

1.2.6 Appearance of oil slick (indicate categories)

Category A : Barely visible under most favourable light condition

Category B : Visible as silvery sheen on water surface

Category C : First trace of colour may be observed

Category D : Bright band of colour

Category E : Colours begin to turn dull

Category F : Colours are much darker

1.2.7 Sky conditions (bright sunshine, overcast, etc.), lightfall and visibility (kilometres) at the time of observation

1.2.8 Sea state

1.2.9 Direction and speed of surface wind

1.2.10 Direction and speed of current

1.3 Identification of the observer(s)

1.3.1 Name of the observer

1.3.2 Organization with which observer is affiliated (if any)

1.3.3 Observer's status within the organization

1.3.4 Observation made from aircraft/ship/shore/otherwise

1.3.5 Name or identity of ship or aircraft from which the observation was made

1.3.6 Specific location of ship, aircraft, place on shore or otherwise from which observation was made

1.3.7 Activity engaged in by observer when observation was made, for example: patrol, voyage, flight (en route from . . . . to . . . .), etc.

1.4 Method of observation and documentation

1.4.1 Visual

1.4.2 Conventional photographs

1.4.3 Remote sensing records and/or remote sensing photographs

1.4.4 Samples taken from slick

1.4.5 Any other form of observation (specify)

Note: A photograph of the discharge should preferably be in colour. Photographs can provide the following information: that a material on the sea surface ***is*** oil, that the quantity of oil discharged does constitute a violation of the Convention, that the oil is being, or has been discharged from a particular ship, the identity of the ship.

Experience has shown that the aforementioned can be obtained with the following three photographs:

.1 Details of the slick taken almost vertically down from an altitude of less than 300 m with the sun behind the photographer.

.2 An overall view of the ship and "slick" showing oil emanating from a particular ship.

.3 Details of the ship for the purposes of identification.

1.5 Other information if radio contact can be established

1.5.1 Master informed of pollution

1.5.2 Explanation of master

1.5.3 Ship's last port of call

1.5.4 Ship's next port of call

1.5.5 Name of ship's master and owner

1.5.6 Ship's call sign

2 INVESTIGATION ON BOARD

2.1 Inspection of IOPP Certificate

2.1.1 Name of ship

2.1.2 Distinctive number or letters

2.1.3 Port of registry

2.1.4 Type of ship

2.1.5 Date and place of issue

2.1.6 Date and place of endorsement

Note: If the ship is not issued with an IOPP Certificate as much as possible of the requested information should be given.

2.2 Inspection of supplement of the IOPP Certificate

2.2.1 Applicable paragraphs of sections 2, 3, 4, 5 and 6 of the supplement (non-oil tankers)

2.2.2 Applicable paragraphs of sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the supplement (oil tankers)

Note: If the ship does not have an IOPP certificate, a description should be given of the equipment and arrangements on board, designed to prevent marine pollution.

2.3 Inspection of Oil Record Book (O.R.B.)

2.3.1 Copy sufficient pages of the O.R.B. – Part I to cover a period of 30 days prior to the reported incident

2.3.2 Copy sufficient pages of the O.R.B. – Part II (if on board) to cover a full loading/unloading/ballasting and tank cleaning cycle of the ship. Also copy the tank diagram

2.4 Inspection of logbook

2.4.1 Last port, date of departure, draught forward and aft

2.4.2 Current port, date of arrival, draught forward and aft

2.4.3 Ship's position at or near the time the incident was reported

2.4.4 Spot check if positions mentioned in the logbook agree with positions noted in the O.R.B.

2.5 Inspection of other documentation on board

2.5.1 Other documentation relevant for evidence (if necessary make copies) such as:

- recent ullage sheets
- records of monitoring and control equipment

2.6 Inspection of ship

2.6.1 Ship's equipment in accordance with the supplement of the IOPP certificate

2.6.2 Samples taken. State location on board

2.6.3 Traces of oil in vicinity of overboard discharge outlets

2.6.4 Condition of engine room and contents of bilges

2.6.5 Condition of oily water separator, filtering equipment and alarm, stopping or monitoring arrangements

2.6.6 Contents of sludge and/or holding tanks

2.6.7 Sources of considerable leakage

On oil tankers the following additional evidence may be pertinent.

2.6.8 Oil on surface of segregated or dedicated clean ballast

2.6.9 Condition of pump-room bilges

2.6.10 Condition of COW system

2.6.11 Condition of IG system

2.6.12 Condition of monitoring and control system

2.6.13 Slop tank contents (estimate quantity of water and of oil)

2.7 Statements of persons concerned

If the O.R.B. – Part I has not been properly completed, information on the following questions may be pertinent

2.7.1 Was there a discharge (accidental or intentional) at the time indicated on the incident report?

2.7.2 Is the bilge discharge controlled automatically?

2.7.3 If so, at what time was the system last put into operation and at what time was the system last put on manual mode?

2.7.4 If not, what were date and time of the last bilge discharge?

2.7.5 What was the date of the last disposal of residue and how was disposal effected?

2.7.6 Is it usual to effect discharge of bilge water directly to the sea, or to store bilge water first in a collecting tank? Identify the collecting tank

2.7.7 Have oil fuel tanks recently been used as ballast tanks?

If the O.R.B – Part II has not been properly completed information on the following questions may be pertinent.

2.7.8 What was the cargo/ballast distribution in the ship on departure from the last port?

2.7.9 What was the cargo/ballast distribution in the ship on arrival in the current port?

2.7.10 When and where was the last loading effected?

2.7.11 When and where was the last unloading effected?

2.7.12 When and where was the last discharge of dirty ballast?

2.7.13 When and where was the last cleaning of cargo tanks?

2.7.14 When and where was the last COW operation and which tanks were washed?

2.7.15 When and where was the last decanting of slop tanks?

2.7.16 What is the ullage in the slop tanks and the corresponding height of interface?

2.7.17 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?

2.7.18 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?

In addition the following information may be pertinent

2.7.19 Details of the present voyage of the ship (previous ports, next ports, trade)

2.7.20 Contents of oil fuel and ballast tanks

2.7.21 Previous and next bunkering, type of oil fuel

2.7.22 Availability or non-availability of reception facilities for oily wastes during the present voyage

2.7.23 Internal transfer of oil fuel during the present voyage

In the case of oil tankers the following additional information may be pertinent.

2.7.24 The trade the ship is engaged in such as short/long distance, crude or product or alternating crude/product, lightening service, oil/dry bulk

2.7.25 Which tanks clean and dirty

2.7.26 Repairs carried out or envisaged in cargo tanks

Miscellaneous information

2.7.27 Comments in respect of condition of ship's equipment

2.7.28 Comments in respect of pollution report

2.7.29 Other comments

3 INVESTIGATION ASHORE

3.1 Analyses of oil samples

3.1.1 Indicate method and results of the samples analyses

3.2 Further information

3.2.1 Additional information on the ship, obtained from oil terminal staff, tank cleaning contractors or shore reception facilities may be pertinent.

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc

4 INFORMATION NOT COVERED BY THE FOREGOING

5 CONCLUSION

5.1.1 Summing up of the investigator's conclusions

5.1.2 Indication of applicable provisions of Annex I of MARPOL 73/78 which the ship is suspected of having contravened

5.1.3 Did the results of the investigation warrant the filing of a deficiency report?

APPENDIX 3

GUIDELINES FOR IN-PORT INSPECTION OF CRUDE OIL WASHING PROCEDURES

1 PREAMBLE

1.1 Guidelines for the in-port inspection of crude oil washing procedures, as called for by resolution 7 of the International Conference on Tanker Safety and Pollution Prevention, 1978, are required to provide a uniform and effective control of crude oil washing to ensure compliance of ships at all times with the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

1.2 The design of the crude oil washing installation is subject to the approval of the flag Administration. However, although the operational aspect of crude oil washing is also subject to the approval of the same Administration it might be necessary for a port State authority to see to it that continuing compliance with agreed procedures and parameters is ensured.

1.3 The COW Operations and Equipment Manual has been so specified that it contains all the necessary information relating to the operation of crude oil washing on a particular tanker. The objectives of the inspection would then be to ensure that the provisions of the Manual dealing with safety procedures and with pollution prevention are being strictly adhered to.

1.4 The method of the inspection is at the discretion of the port State authority and may cover the entire operation or only those parts of the operation which occur when the inspector is on board.

1.5 Inspection will be governed by Articles 5 and 6 of the Convention.

2 INSPECTIONS

2.1 A port State should make the appropriate arrangements so as to ensure compliance with requirements governing the crude oil washing of tankers. This is not, however, to be construed as relieving terminal operators and shipowners of their obligations to ensure that the operation is undertaken in accordance with the Regulations.

2.2 The inspection may cover the entire operation of crude oil washing or only certain aspects of it. It is thus in the interest of all concerned that the ship's records with regard to the COW operations are maintained at all times so that an inspector may verify those operations undertaken prior to his inspection.

3 SHIP'S PERSONNEL

3.1 The person in charge and the other nominated persons who have responsibilities in respect of the crude oil washing operation should be identified. They must, if required, be able to show that their qualifications meet the requirements as appropriate of paragraphs 5.2 and 5.3 of the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (resolution A.446(XI)).

3.2 The verification may be accomplished by reference to the individual's discharge papers, testimonials issued by the ship's operator or by certificates issued by a training centre approved by an Administration. The numbers of such personnel should be at least as stated in the Manual.

4 DOCUMENTATION

4.1 The following documents will be available for inspection:

.1 the IOPP Certificate and the Record of Construction and Equipment, to determine:

.1.1 whether the ship is fitted with a crude oil washing system as required in Regulation 13(6) or (8) of Annex I of MARPOL 73/78;

.1.2 whether the crude oil washing system is according to and complying with the requirements of Regulation 13(B) of Annex I of MARPOL 73/78;

.1.3 the validity and date of the Operations and Equipment Manual;

.1.4 the validity of the Certificate;

.2 the approved Operations and Equipment Manual;

.3 the Oil Record Book;

.4 the Cargo Ship Safety Equipment Certificate to confirm that the inert gas system conforms to Regulations contained in chapter II-2 of the International Convention for the Safety of Life at Sea, 1974, as amended.

5 INERT GAS SYSTEM

5.1 Inert gas system regulations require that instrumentation shall be fitted for continuously indicating and permanently recording at all times when inert gas is being supplied, the pressure and the oxygen content of the gas in the inert gas supply main. Reference to the permanent recorder would indicate if the system had been operating before and during the cargo discharge in a satisfactory manner.

5.2 If conditions specified in the Manual are not being met then the washing must be stopped until satisfactory conditions are restored.

5.3 As a further precautionary measure the oxygen level in each tank to be washed is to be determined at the tank. The meters used should be calibrated and inspected to ensure that they are in good working order. Readings from tanks already washed in port prior to inspection should be available for checking. Spot checks on readings may be instituted.

6 ELECTROSTATIC GENERATION

6.1 It should be confirmed either from the cargo log or by questioning the person in charge that presence of water in the crude oil is being minimized as required by paragraph 6.7 of the revised Specifications.

7 COMMUNICATION

7.1 It should be established that effective means of communication exist between the person in charge and the other persons concerned with the COW operation.

8 LEAKAGE ON DECK

8.1 Inspectors should ensure that the COW piping system has been operationally tested for leakage before cargo discharge and that the test has been noted in the ship's Oil Record Book.

9 EXCLUSION OF OIL FROM ENGINE ROOM

9.1 It should be ascertained that the method of excluding cargo oil from the machinery space is being maintained by inspecting the isolating arrangements of the tank washing heater (if fitted) or of any part of the tank washing system which enters the machinery space.

10 SUITABILITY OF THE CRUDE OIL

10.1 In judging the suitability of the oil for crude oil washing, the guidance and criteria contained in section 9 of the Operations and Equipment Manual should be taken into account.

11 CHECKLIST

11.1 It should be determined from the ship's records that the pre-crude oil wash operational checklist was carried out and all instruments functioned correctly. Spot checks on certain items may be instituted.

12 WASH PROGRAMMES

12.1 Where the tanker is engaged in a multiple port discharge, the Oil Record Book would indicate if tanks were crude oil washed at previous discharge ports or at sea. It should be determined that all tanks which will, or may be, used to contain ballast on the forthcoming voyage will be crude oil washed before the ship departs from the port. There is no obligation to wash any tank other than ballast tanks at a discharge port except that each of these other tanks must be washed at least in accordance with paragraph 6.1 of the Specifications. The Oil Record Book should be inspected to check that this is being complied with.

12.2 All crude oil washing must be completed before a ship leaves its final port of discharge.

12.3 If tanks are not being washed in one of the preferred orders given in the Manual the inspector should satisfy himself that the reason for this, and the proposed order of tank washing, are acceptable.

12.4 For each tank being washed it should be ensured that the operation is in accordance with the Manual in that:

.1 the deck mounted machines and the submerged machines are operating either by reference to indicators, the sound patterns or other approved methods;

.2 the deck mounted machines, where applicable, are programmed as stated;

.3 the duration of the wash is as required,

.4 the number of tank washing machines being used simultaneously does not exceed that specified.

13 STRIPPING OF TANKS

13.1 The minimum trim conditions and the parameters of the stripping operations are to be stated in the Manual.

13.2 All tanks which have been crude oil washed are to be stripped. The adequacy of the stripping is to be checked by hand dipping at least in the aftermost hand dipping location in each tank or by such other means provided and described in the Manual. It should be ascertained that the adequacy of stripping has been checked or will be checked before the ship leaves its final port of discharge.

14 BALLASTING

14.1 Tanks that were crude oil washed at sea will be recorded in the Oil Record Book. These tanks must be left empty between discharge ports for inspection at the next discharge port. Where these tanks are the designated departure ballast tanks they may be required to be ballasted at a very early stage of the discharge. This is for operational reasons and also because they must be ballasted during cargo discharge if hydrocarbon emission is to be contained on the ship. If these tanks are to be inspected when empty, then this must be done shortly after the tanker berths. If an inspector arrives after the tanks have begun accepting ballast then the sounding of the tank bottom would not be available to him. However, an examination of the surface of the ballast water is then possible. The thickness of the oil film should not be greater than that specified in paragraph 4.2.10(b) of the revised Specifications.

14.2 The tanks that are designated ballast tanks will be listed in the Manual. It is, however, left to the discretion of the master or responsible officer to decide which tanks may be used for ballast on the forthcoming voyage. It should be determined from the Oil Record Book that all such tanks have been washed before the tanker leaves its last discharge port. It should be noted that where a tanker back-loads a cargo of crude oil at an intermediate port into tanks designated for ballast then it should not be required to wash those tanks at that particular port but at a subsequent port.

14.3 It should be determined from the Oil Record Book that additional ballast water has not been put into tanks which had not been crude oil washed during previous voyages.

14.4 It should be seen that the departure ballast tanks are stripped as completely as possible. Where departure ballast is filled through cargo lines and pumps these must be stripped either into another cargo tank, or ashore by the special small diameter line provided for this purpose.

14.5 The methods to avoid vapour emission where locally required will be provided in the Manual and they must be adhered to. The inspector should ensure that this is being complied with.

14.6 The typical procedures for ballasting listed in the Manual must be observed. The inspector should ensure this is being complied with.

14.7 When departure ballast is to be shifted, the discharge into the sea must be in compliance with Regulation 9 of Annex I of MARPOL 73/78. The Oil Record Book should be inspected to ensure that the ship is complying with this.

APPENDIX 4

PORT STATE REPORT ON DEFICIENCIES

1 Reporting country: .....

2 Name of ship: ..... Type of ship.[1] .....

3 Flag of ship: .....

4 Gross tonnage: ..... Year of build: .....

5 Deadweight (where appropriate): .....

6 Date and place of inspection: .....

7 Nature of deficiency in relation to Convention requirements: .....

(a) Deficiency[2]	(b) Convention Regulation[3]
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

[1] To indicate whether passenger ship, cargo ship, bulk carrier, tanker, ro/ro ship, fishing vessel, etc.

[2] Refer only to the relevant parts or equipment of the ship which were found deficient, e.g. oily-water separating equipment, crude oil washing systems, etc as appropriate.

[3] Quote the relevant Convention regulation (e.g. Regulation 13(6), Regulation 16, etc. of Annex I of MARPOL 73/78).

8 Relevant Certificate(s):

	(a) Title	(b) Issuing authority	(c) Dates of issue and expiry
1	.....	.....	..... to .....
2	.....	.....	..... to .....
3	.....	.....	..... to .....
4	.....	.....	..... to .....
5	.....	.....	..... to .....

(d) For the purpose of the issue of relevant Certificate(s) the ship was last surveyed:

1 Date: ..... 19 . Place .....

by: .....
(surveying authority)

2 Date: ..... 19 . . Place .....

by: .....
(surveying authority)

3 Date: ..... 19 . . . Place .....

by: .....
(surveying authority)

4 Date: .... 19 . Place .....

by: .....
(surveying authority)

5 Date: ..... 19 . . . Place .....

by: .....
(surveying authority)

9 Brief note of action taken:[1/]

.....

.....

.....

.....

.....

.....

.....

.....

10 Flag State, recognized organization(s) and/or next port of call, as appropriate, notified as follows:[1/]

.....

.....

.....

.....

.....

11 Supporting documentation on deficiencies or operational violations:

.....

.....

.....

.....

[1/] e.g. ship detained, consul informed, Certificate withdrawn/renewed/extended/provisional certificate and entry of conditions issued, next port of call informed, etc

[1/] Quote title and address of the authority and/or recognized organization(s)

APPENDIX 5

COMMENTS BY FLAG STATE ON DEFICIENCY REPORT

Name of ship: .....

Flag State: .....

Gross tonnage: .....

Deadweight (where appropriate): .....

Reporting country: .....

Date of report: .....

Recognized organization(s) involved: .....

Brief note on action taken: 1/ .....

.....

.....

.....

1/ Indicate also action, if any, regarding the relevant Certificate(s) (e.g. extension, renewal, withdrawal, provisional and conditions).

APPENDIX 5

TELEX FORM

In case of deficiencies not fully rectified or only provisionally repaired, a telex shall be sent to the competent authority of the region State where the next port of call of the ship is situated.
The telex shall be drafted as follows :

DATE : .....

FROM : COUNTRY ....., PORT .....

TO : COUNTRY ....., PORT .....

RE : deficiencies to be rectified

NAME OF SHIP ....., TYPE OF SHIP .....

FLAG OF SHIP ....., CALL SIGN .....

GROSS TONNAGE ....., YEAR OF BUILD .....

DEPARTED .....

ESTIMATED PLACE AND TIME OF ARRIVAL .....

NATURE OF DEFICIENCIES .....

.....

.....

SUGGESTED ACTION .....

.....

.....

SIGNED : .....

.....

Source: Memorandum of Understanding on Port State Control

(issuing authority)
(address)
(telephone)
(telegram)
(telex)

copy head office
(master's copy)
(surveyor's copy)

APPENDIX 6

REPORT ON INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL */

1. (...name of issuing country...)

2.NAME OF SHIP..... 3.TYPE OF SHIP.....
4.FLAG OF SHIP..... 5.CALL SIGN.....
6.GROSS TONNAGE..... 7.YEAR OF BUILD.....
8.PLACE AND DATE OF INSPECTION.....

9.NATURE OF DEFICIENCY	REFERENCES	10.ACTION TAKEN

(.....issuing authority.....),place and date.....

DISTRICT OFFICE

Tel:.....

Name and signature.....

Duly authorized surveyor of
(...ISSUING AUTHORITY...)

*/

Maritime Authorities of Belgium,Danmark,Finland,France,the Federal Republic of Germany,Greece,Ireland, Italy,the Netherlands,Norway,Portugal,Spain,Sweden and the United Kingdom of Great Britain and Northern Ireland have concluded a Memorandum of Understanding harmonizing the procedures on Port State Control.

This Port State Control is based upon the international conventions on safety,the protection of the environment and living and working conditions on board ships as adopted by the International Maritime Organisation and the International Labour Organisation.

If this inspection report does not contain any remarks under the heading "nature of deficiency" the above Maritime Authorities will seek to avoid to inspect the ship again for a period of six months after the date this report was issued,unless there are clear grounds for another inspection.

Source: Memorandum of Unuerstanding on Port State Control

APPENDIX 7

INFORMATION SYSTEM ON INSPECTIONS

1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Authorities up to date information on inspections of an individual foreign flag ship in one of the other regional ports within the preceding six months.

2 For that purpose the Authorities shall send a daily message preferably by telex on all the ships inspected in the national ports to the "CENTRE ADMINISTRATIF DES AFFAIRES MARITIMES" in SAINT-MALO (C.A.A.M.).

3 The information set out in Annex 3 shall be sent in a standardized form (see Appendix) for each ship inspected.

4 The C.A.A.M. will organize the processing of information as in paragraph 3 above and will every second week send, in a microfiche form, an alphabetical lis of ships inspected in the region in the previous period of six months to the Authorities concerned and to the Secretariat.

5 Information for administrative purposes, for instance statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on information provided by the C.A.A.M.

6 The information system indicated in the foregoing paragraphs will be implemented on a provisional basis from the time that the Memorandum takes effect. Further studies to develop a final system will continue.

7 Whenever deficiencies are found, the port state Authority will send a copy of Annex 3 to the regional flag Administration concerned.

Source: Memorandum of Unuerstanaing on Port State Control

APPENDIX 8

TELEX FORM FOR SHIPS INSPECTED

REPORT OF INSPECTION

1 - ISSUING COUNTRY
2 - NAME OF SHIP
3 - TYPE OF SHIP
4 - FLAG OF SHIP
5 - CALL SIGN
6 - GROSS TONNAGE
7 - YEAR OF BUILD
8 - DATE AND PLACE OF INSPECTION
9 - NATURE OF DEFICIENCIES*
10 - ACTION TAKEN

* including reference to the relevant Conventions if shown on the document left on board.

Source: Memorandum of Understanding on Port State Control

LETTER OF WARNING

APPENDIX 9

To the Master
of ss/mv .....

Subject: International Oil Pollution
Prevention (IOPP) Certificate.

Herewith you are informed that on 2 October 1983 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, hereafter referred to as MARPOL 73/78, entered into force.

Under the provisions of Annex I to MARPOL 73/78, any oil tanker of 150 tons gross tonnage and above and any other ship of 400 tons gross tonnage and above is required to hold a valid IOPP certificate, as an indication that the ship complies with the relevant requirements of the said Annex I.

Since the flagstate of your ship has not yet become a Party to MARPOL 73/78, the IOPP certificate of your ship could not be shown on ..... 19... to the officer authorized to carry out the port state control.

Please be informed that during future calls at ports of the countries */ participating in the Memorandum of Understanding on Port State Control, your ship may be subject to extensive inspections and/or denial of port entry, unless one of the following documents, issued by or on behalf of the Administration of your ship, can be shown.

1. a valid IOPP certificate in case the flag state of your ship has become a Party to MARPOL 73/78; or

2. a Declaration of Compliance, stating that the ship has been surveyed and that the survey showed that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof were in all respects satisfactory and that the ship complied with the applicable requirements of Annex I to MARPOL 73/78; or

cont....2

Source: Memorandum of Understanding on Port State Control

3. a declaration showing that an application for an IOPP certificate or Declaration of Compliance as mentioned under 1 and 2 above respectively, has been filed, and that the survey and inspections necessary for the issue of the said documents will take place as soon as possible.

Further you are informed that the Port State carrying out inspections on your ship, may take such steps as will ensure that your ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. These steps may include your ship being obliged to discharge all its oily-wastes to port reception facilities before permission is granted to leave the port.

The issue of this warning will be notified to the other maritime Authorities which take part in the Memorandum of Understanding on Port State Control.

Place and date .....

Port State Authority .....

Note

*/ Maritime Authorities of Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland have concluded a Memorandum of Understanding, harmonizing the procedures on Port State Control.

This Port State Control is based upon the international conventions on safety, the protection of the environment and the living and working conditions on board ships as adopted by the International Maritime Organization and the International Labour Organisation.

APPENDIX 10

CODES FOR REFERENCE

Explanatory note

The codes for reference used in this " Aide-Mémoire " are abbreviated and may be of use when filling out the column " references " in the " Report on Inspection in accordance with the MOU on PSC " and in the telex to the C.A.A.M. (Centre Administratif des Affaires Maritimes) at St. Malo.

Convention / Code Names	Aide-Mémoire Reference Code
SOLAS 48	S48
SOLAS 60	S60
SOLAS 74	S74
Protocol 78 (SOLAS 74)	S74P78
MARPOL 73/78	M73/78
Load Lines 66	LL66
COLREG 72	C72
STCW 78	STCW
ILO No. 7	IL07
ILO No. 53	IL053
ILO No. 68	IL068
ILO No. 73	IL073
ILO No. 92	IL092
ILO No.134	IL0134
ILO No.147	IL0147
Bulk Chemical Code	BCC
Gas Carrier Code	GCC
Gas Carrier Code (Existing)	GEX

Source: Memorandum of Understanding on Port State Control.

Convention / Code subdivision

Name	Code
1st set of amendments(AMENDM.)	-1
2nd set of amendments(AMENDM.)	-2
Chapter (CHAP.)	C
Part	P
Annex	AN
Regulation (REG.)	R
Article (ART.)	A
Number (No.)	N

Example 1 :

Messroom (Location) - Nature of deficiency code : 0399

-Mess room shall be located apart from the sleeping rooms and as close as practicable to the galley -

Convention	:ILO No. 92 (Accommodation of Crews Convention)
Part	:Part I. General provisions
Article	:Article 11
Paragraph	:Paragraph 8

Aide-Mémoire Code :IL092 - PI - A11 - 8

****

Example 2 :

Oil discharge monitoring and control system - Nature of Deficiency code ;1740

(Cargo spaces - Oil Tankers $\geq$ 150)

Convention	;MARPOL 73/78
Annex	:Annex I
Regulation	:Regulation 15
Paragraph	:Paragraph 3
Subparagraph	:Subparagraph (a)

Aide-Mémoire Code :M73/78 - ANI - R15 - 3 - a

Example 3 :

SOLAS 1974 including first set of amendments.

Aide-Mémoire Code : S74-1

Example 4 :

Bulk Chemical Code including 10th set of amendments.

Aide-Mémoire Code : BCC-10

******

APPENDIX 11

CODES FOR TYPES OF SHIPS

10	TANKERS AND COMBINATION CARRIERS	TANK.+CC
20	GAS CARRIERS	GAS CARR
30	CHEMICAL CARRIERS	CHEM.CAR
40	DRY BULK CARRIERS	BULK CAR
50	UNITISED VESSELS	UNIT.VES
60	GENERAL DRY CARGO	DRY CARG
99	OTHER TYPE	OTHER

***

Source: Memorandum of Understanding on Port State Control.

APPENDIX 1c

CODES FOR ACTION TAKEN

00	NO ACTION TAKEN
10	DEFICIENCY RECTIFIED
15	RECTIFY DEF. AT NEXT PORT
16	RECTIFY DEF. WITHIN 14 DAYS
17	MASTER INSTRUCTED TO RECTIFY DEF. BEFORE DEPARTURE
20	SHIP DELAYED TO RECTIFY DEF.
30	SHIP DETAINED
40	NEXT PORT INFORMED
50	FLAG STATE / CONSUL INFORMED
55	FLAG STATE CONSULTED
60	REGION STATE INFORMED
70	CLASSIFICATION SOCIETY INFORMED
80	TEMP. SUBSTITUTION OF EQUIPMENT
85	INVESTIGATION OF CONTRAVENTION OF DISCHARGE PROVISIONS(MARPOL)
90	LETTER OF WARNING ISSUED
95	REINSPECTION CONN. WITH CODE 90
99	OTHER (SPECIFY)

***

Source: Memorandum of Understanding on Port State Control.

APPENDIX 15

CODES FOR NATURE OF DEFICIENCIES

0000	None
0100-1999	Deficiencies which are clearly hazardous to safety, health or the environment
0100 SHIP'S CERTIFICATES	
0110	SOLAS SAFETY EQUIPMENT
0111	SOLAS SAFETY CONSTRUCTION
0112	SOLAS PASSENGER SAFETY
0113	SOLAS SAFETY RADIO
0120	LOAD LINES
0130	LIQUIFIED GASES (CERT. OF FITNESS)
0140	CHEMICALS IN BULK (CERT. OF FITNESS)
0150	INTERNATIONAL OIL POLLUTION PREVENTION (I.O.P.P.)
0199	OTHER
0200 CREW	
0210	MINIMUM AGE
0220	CERTIFICATES OF COMPETENCY
0230	NUMBER / COMPOSITION (According to the Safe Manning Documents if available)
0240	MEDICAL CERTIFICATES
0299	OTHER
0300 ACCOMMODATION	
0310	DIRTY, PARASITES
0320	VENTILATION, HEATING
0330	SANITARY FACILITIES
0340	DRAINAGE
0350	LIGHTING
0360	PIPES, WIRES
0370	SICK BAY
0371	MEDICAL EQUIPMENT
0399	OTHER

Source: Memorandum of Understanding on Port State Control

0400	FOOD AND CATERING
0410	GALLEY, HANDLING ROOMS
0420	PROVISIONS
0430	WATER, PIPES + TANKS
0499	OTHER
0500	WORKING SPACE
0510	VENTILATION, HEATING
0520	LIGHTING
0599	OTHER
0600	LIFE SAVING APPLIANCES
0610	LIFEBOATS
0611	LIFEBOAT INVENTORY
0620	LIFERAFTS
0630	LAUNCHING DEVICES
0640	DISTRESS SIGNALS
0650	LIFEBUOYS
0660	LIFEJACKETS
0670	PORTABLE RADIO
0680	EMBARKATION
0685	MARKING / NUMBER / CAPACITY
0686	BUOYANT APPARATUS
0690	LINE-THROWING APPLIANCES
0699	OTHER
0700	FIRE FIGHTING APPLIANCES
0710	PREVENTION
0711	INERT GAS SYSTEM
0715	DETECTION
0720	FIRE FIGHTING EQUIPMENT
0725	FIXED FIRE EXTINGUISHING INSTALLATION
0730	APPLIANCES (GENERAL EQUIPMENT)

0735		PERSONAL EQUIPMENT
0740		PUMPS
0745		FIRE-DAMPERS, VALVES, QUICK CLOSING DEVICES; REMOTE CONTROL
0750		INTERNATIONAL SHORE CONNECTION
0799		OTHER
0800	ACCIDENT PREVENTION	
0810		PERSONAL EQUIPMENT
0820		PROTECTION MACHINES / PARTS
0830		PIPES, WIRES (INSULATION)
0899		OTHER
0900	SAFETY IN GENERAL	
0910		HYDRAULIC AND OTHER CLOSING DEVICES / WATERTIGHT DOORS
0915		SIGNS, INDICATIONS
0920		SAFETY PLANS
0925		MUSTERS AND DRILLS
0930		STABILITY AND STRENGTH (INC. INFORMATION OR INSTRUMENTS)
0935		CONSTRUCTION, DECKS, BEAMS, HULL, BULKHEADS, ETC.
0936		STEERING GEAR
0940		BALLAST, FUEL AND OTHER TANKS
0945		EMERGENCY LIGHTING, BATTERIES & SWITCHES
0950		ELECTRIC EQUIPMENT IN GENERAL
0955		PILOT LADDERS
0956		GANGWAY, ACCOMMODATION LADDER
0960		MEANS OF ESCAPE
0970		LOCATION OF EMERGENCY INSTALLATIONS
0999		OTHER

1000	ALARM SIGNALS	
1010		GENERAL ALRM
1020		FIRE ALARM
1030		STEERING-GEAR ALARM
1040		ENGINEERS' ALARM
1050		INERT GAS ALARM
1060		MACHINERY CONTROLS ALARM
1070		UMS - ALARMS
1080		BOILER - ALARMS
1099		OTHER
1100	CARGO	
1110		STOWAGE
1120		GRAIN
1130		DANGEROUS GOODS
1140		OTHER CARGO
1150		LOADING AND UNLOADING EQUIPMENT
1160		HOLDS AND TANKS
1170		DANGEROUS GOODS CODE
1199		OTHER
1200	LOAD LINES	
1210		OVERLOADING
1220		FREEBOARD MARKS
1230		RAILING, CAT WALKS
1240		CARGO & OTHER HATCHWAYS
1250		COVERS (HATCHWAY-, PORTABLE-, TARPAULINS, ETC.)
1260		WINDOWS, SIDE SCUTTLES
1270		DOORS
1275		VENTILATORS, AIR PIPES, CEASINGS
1280		MACHINERY SPACE OPENINGS
1282		MANHOLES / FLUSH SCUTTLES

1284		CARGO PORTS / ETC.
1286		SCUPPERS, INLETS, ETC.
1288		FREEING PORTS
1290		LASHINGS (TIMBER)
1299		OTHER
1300	MOORING ARRANGEMENTS	
1310		ROPES, WIRES
1320		ANCHORING DEVICES
1330		WINCHES & CAPSTANS
1340		ADEQUATE LIGHTING
1399		OTHER
1400	PROPULSION AND AUXILIARY MACHINERY	
1410		PROPULSION MAIN ENGINE
1420		CLEANLINESS OF ENGINE ROOM
1430		AUXILIARY ENGINE
1440		BILGE PUMPING ARRANGEMENTS
1450		UMS- SHIP
1460		GUARDS / FENCING AROUND DANGEROUS MACHINERY / PAR
1470		INSULATION WETTED THROUGH (OIL)
1499		OTHER
1500	NAVIGATION	
1510		EQUIPMENT
1520		SHIPBORNE NAVIGATIONAL EQUIPMENT
1530		RADAR
1540		GYRO COMPASS
1541		MAGNETIC COMPASS
1550		LIGHTS, SHAPES, SOUND SIGNALS
1551		SIGNALLING LAMP
1560		CHARTS
1570		NAUTICAL PUBLICATIONS
1575		ECHOSOUNDER

1580		LOG
1581		RUDDER ANGLE INDICATOR
1582		REVOLUTION COUNTER
1583		VAR. PITCH INDICATOR
1585		RATE-OF-TURN INDICATOR
1590		INTERNATIONAL CODE OF SIGNALS
1599		OTHER
1600	RADIO	
1610		AUTO ALARM
1620		MAIN INSTALLATION
1630		RESERVE INSTALLATION
1640		DIRECTION FINDER
1650		VHF STATION
1660		RADIOTELEGRAPH MOTORLIFEBOAT
1670		PORTABLE RADIO INSTALLATION
1680		RADIO LOG (DIARY)
1699		OTHER
1700	MARINE POLLUTION	
1710		OIL RECORD BOOK
1720		CONTROL OF DISCHARGE OF OIL
1721		RETENTION OF OIL ON BOARD
1725		SEGREGATION OF OIL AND WATER BALLAST
1730		OILY-WATER SEPARATING EQUIPMENT
1735		PUMPING, PIPING AND DISCHARGE ARRANGEMENTS
1740		OIL DISCHARGE MONITORING AND CONTROL SYSTEM
1745		15 PPM ALARM ARRANGEMENTS
1750		OIL / WATER INTERFACE DETECTOR
1760		STANDARD DISCHARGE CONNECTION
1770		SBT, CBT, COW

1780 POLLUTION REPORT

1790 SHIP TYPE DESIGNATION

1799 OTHER

1800 TANKERS

1810 CARGO AREA SEGREGATION

1815 AIR INTAKES / OPENINGS TO ACCOMMODATION-, MACHINERY- AND CONTROL STATION SPACES

1816 WHEELHOUSE DOOR, -WINDOW

1820 CARGO PUMPROOM / HANDLING SPACES

1825 SPACES IN CARGO AREA

1830 CARGO TRANSFER

1835 CARGO VENT SYSTEM

1836 TEMPERATURE CONTROL

1840 INSTRUMENTATION

1850 FIRE PROTECTION CARGO DECK AREA

1860 PERSONNEL PROTECTION

1870 SPECIAL REQUIREMENTS

1880 CARGO INFORMATION

1885 TANK ENTRY

1899 OTHER

1999 ALL OTHER DEFICIENCIES

2000 OTHER DEFICIENCIES

(Not clearly hazardous to Safety, Environment, - Specified in clear text -)

****

APPENDIX 14

REPORT ON INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL *)

1. Issuing country:

2. NAME OF SHIP XXX
3. TYPE OF SHIP BULKCARRIER
4. FLAG OF SHIP XXX
5. CALL SIGN XXX
6. GROSS TONNAGE 30096
7. YEAR OF BUILD 1967
8. PLACE AND DATE OF INSPECTION YMUIDEN, 24-10-84

9. NATURE OF DEFICIENCY

		REFERENCES
0730	SANDBOXES ENG. ROOM EMPTY	S'74-1 RII-2/7
0740	EMERGENCY FIRE PUMP NOT IN WORKING ORDER	RII-2/4
0150	I.O.P.P. CERTIFICATE NOT VALID	M73/78 R8
1420	FUEL OIL IN ENG ROOM BILGES AND ON TANKTOP	S'74-1 RII-1/26
0745	SEVERAL FIREDAMPERS ENG. ROOM SEIZED IN OPEN CONDITION	S'74-1 RII-1/11
0650	TWO LIFEBUOYS FORESHIP MISSING	S'74-1 RIII/37
0620	CERTIFICATE OF ONE LIFERAFT MISSING	" —
0920	FIRE CONTROL PLAN NOT UP TO DATE	S'74-1 RII-2/20
1550	SHIPS WHISTLE INOPERATIVE	C 72-1
0240	PART OF THE CREW WITHOUT MEDICAL CERTIFICATES	ILO 73
0610	SB LIFEBOAT DETORIATED	S'74-1 RIII/4

10. ACTION TAKEN

30 SHIP DETAINED
50 FLAGSTATE/CONSUL INFORMED
70 CLASSIFICATION SOCIETY INFORMED

NSI DISTRICT'S OFFICE YMUIDEN
telephone
telex

SIGNATURE XXX
NAME XXX
Duly authorized surveyor of the NSI

*) Maritime Authorities of Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland have concluded a Memorandum of Understanding harmonizing the procedures on Port State Control.

This Port State Control is based upon the international conventions on safety, the protection of the environment and living and working conditions on board ships as adopted bij the International Maritime Organization and the International Labour Organisation.

If this inspection report does not contain any remarks under the heading "nature of deficiency" the above Maritime Authorities will seek to avoid to inspect the ship again for a period of six months after the date this report was issued, unless there are clear grounds for another inspection.

DGSM 122

Source: Netherlands Shipping Inspection. (NSI).

APPENDIX 15

Mission Performance Standards For Vessel Boardings

1. Using vessel histories MSOs shall identify all high priority vessels entering their zones and conduct the appropriate type of boarding (inspection, examination, supervise or monitor) at the indicated frequency in 100% of the cases. The boarding frequency is per ship per year and not intended for each MSO; that is, a vessel is a high priority boarding target only twice a year, unless it has a record of violations or cargo incidents or spills. If a vessel is not of a high priority, it should not be boarded except for training.

   a. Tankships: Monitor cargo operations twice a year with emphasis on the crew's adherence to the Coast Guard approved oil transfer procedures. CVS personnel will conduct annual inspections on U.S. vessels and examinations on foreign tankers in accordance with commercial vessel inspection procedures. The semiannual cargo monitoring evolution should coincide with the annual examination or inspection if the vessel operations permit.

   b. Tank Barges: Monitor cargo operations twice a year with emphasis on the tankerman's adherence to the Coast Guard approved oil transfer procedures. A monitoring conducted between the 9th and the 15th month of the issue date of the Certificate of Inspection will include a close examination of the firefighting and safety related equipment in addition to the pollution prevention requirements. This monitoring may be counted as the barge annual examination.

   c. Freighters and Containerships:

      (1) Foreign Flag: Examine annually to insure the vessel's compliance with pollution prevention (including marine sanitation devices), navigation safety (including automated radar plotting aid requirements), and required documentation such as IOPP Certificates or equivalent, FMC certificates and Oil Record Book. Monitor cargo operations on this visit and again approximately six months later, unless the National Cargo Bureau has attended the vessel and no uncorrected discrepancies were reported.

      (2) U.S. Flag: Monitor cargo operations semiannually unless the National Cargo Bureau has attended the vessel and no uncorrected discrepancies were reported. Spotcheck the navigation safety and pollution prevention requirements. CVS personnel will check for compliance with all documents, navigation safety and pollution prevention requirements during inspections for certification.

   d. Vessels Carrying Bulk Cargoes of Particular Hazard (33 CFR 126.10(d)): Monitor the cargo operations quarterly concentrating on the operational safety and pollution prevention requirements.

Source: United States Coast Guard - "MSO Standard Vessel Boarding Program"- COMDTINST 5010.8, 5 October 1985.

1.e. Vessels Handling Class A Explosives, Military Explosives, or Radioactive Material (33 CFR 126.10(a) and (c)): Supervise 100% c the cargo operations.

f. Vessels Carrying Oxidizing Materials or Blasting Agents for which Permit is Required(33 CFR 126.10 (b)): Monitor 100 % of the carg operations to insure the requirements of the permit are met with particular attention to safe cargo handling, packaging and stowage

FOOTNOTES

CHAPTER I

(1) J J Valk, "Implementation of Port State Control and MARPOL in the Netherlands", INTERTANKO's Annual General Meeting in Montecarlo, 21 - 22 April 1983, p. 16

(2) Henry S Bell, "Port State Control The United States Tanker Boarding Program", Seminar on Survey and Certification, Tokyo, October 1980, p. 14

(3) ibid, p. 16

(4) Iain Sproat, "Implementation of IMO Conventions and Port State Control", INTERTANKO's Annual General Meetings in Montecarlo, 21 - 22 April 1983, p. 6

(5) Time Magazine, 03 April 1978, p. 14

(6) IMO Procedure for the Control of Ships and Discharges under Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol relating thereto, Res. A 542 (13), 1983, p. 2

(7) J Cowley, "Problems of Marine Administrations", Conference for WMU (28 March 1984), p. 6

(8) Ibid, p. 5

CHAPTER II

(1) J Heringa, "Port State Enforcement of IMCO Originating Safety Legislation" Shipcare Conference, Hamburg, 1982, p. 1

(2) Y Sasamura, "Overview of IMO's International Marine Pollution Regulations and Guidelines" Course on Survey under MARPOL 73/78, 01 - 19 August 1983, for WMU, p. 24

(3) J Cowley, "National Administrations for Safety and Pollution Prevention Control" Seminar on Survey and Certification, Tokyo, 06 - 10 October 1980, p. 1

(4) IMO, International Convention on Load Lines, 1966, p. 16

(5) IMO, International Convention for the Safety of Life at Sea, 1974, p. 16

(6) IMO, International Convention for the Prevention of Pollution from Ships, 1973, p. 21, 22 and 23

(7) IMO, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, p. 9

(8) ILO, Convention Concerning Minimum Standards in Merchant Ships, No 147, p. 3

(9) F L Wiswall, "Port State Enforcement of IMCO Originating Safety Legislation a Liberian Perspective", p. 1

(10) IMO, International Convention for the Safety of Life at Sea, 1974, op. cit. regulation 19, p. 16

(11) IMO, International Convention for the Prevention of Pollution from Ships, 1973, op. cit., article 5-(2), p. 21

(12) IMO, International Convention on Load Lines, 1966, op. cit., article 21, p. 16

(13) IMO, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, loc. cit., article X, p. 9

CHAPTER III

(1) "Speech for the Swedish Club on Port State Control", Dutch Maritime Administration, 13 June 1984, p. 1

(2) Ibid, p. 3

(3) The Nations are: Belgium, Denmark, Finland, France, Germany (Federal Republic of), Greece, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland

(4) Iain Sproat, op. cit., p. 7

(5) J Cowley, "Memorandum of Understanding (MOU) - Port State Control" Conference for WMU, September 1983, p. 5

(6) "Memorandum of Understanding on Port State Control", January 1982, section 1 (1.4), p. 2

(7) Ibid, section 3 (3.4), p. 5

(8) Ibid, section 2 (2.1), p. 3

(9) J Cowley, "Memorandum of Understanding (MOU) - Port State Control", Conference for WMU, September 1983, p. 9.

(10) IMO, International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, op. cit., article X-(5), p. 10

(11) IMO, International Convention for the Prevention of Pollution from Ships, 1973, op. cit, article 5- (4), p. 22

(12) "Memorandum of Understanding on Port State Control, January 1982, op. cit., Section 2 (2.4), p. 3

(13) J Cowley, "Memorandum of Understanding (MOU) Port State Control" Conference for WMU, September 1983, loc. cit.

(14) Speech for the Swedish Club on Port State Control, op. cit. p. 4

(15) "Memorandum of Understanding on Port State Control" op. cit., section 3 (3.5), p. 5

(16) Ibid., section 3 (3.2), p. 4

(17) Ibid., section 3 (3.7), p. 5

(18) Ibid., section 3 (3.8), p. 5

(19) Ibid., section 3 (3.11), p. 6

(20) Ibid., section 2 (2.5), p. 4

(21) Press Notice, Third Meeting of the Port State Control Committee, 30 November 1983

(22) "Memorandum of Understanding on Port State Control", op. cit., section 5, p. 6

CHAPTER IV

(1) Bobby F Hollingworth, "U. S. Implementation of MARPOL 73/78", INTERTANKO's Annual General Meetings, Montecarlo, 21 - 22 April 1983, p. 8

(2) Bobby F Hollingworth, Ibid., p. 11

(3) IMO, "Implementation of Instruments and Related Matters" MSA 48/22/6, 06 May 1983, p. 9 and MEPC 19/2, 22 August 1983, p. 2

(4) United States Coast Guard "MSO Standard Vessel Boarding Program" COMDTINST 5010.8, 05 October 1983

(5) Henry Bell, op. cit., p. 3

(6) Bobby F Hollingworth, op. cit., p. 10

(7) United States Coast Guard "MSO Standard Vessel Boarding Program", COMDTINST 5010.8, op. cit., p. 1

(8) "United States Coast Guard Roles and Missions Report", March 1982, p. 91

(9) Bobby F Hollingworth, op. cit., p. 9

(10) Bobby F Hollingworth, Ibid., p. 11

(11) United States Coast Guard "MARPOL 73/78 Boarding and Enforcement Policies and Procedures" COMDTINST M16450.26, 18 October 1983, p. 1

(12) Ibid., p. 2

(13) IMO, Procedures for the Control of Ships and Discharges unde Annex I of the International Convention for the Prevention of Pollution from Ships 73/78, Res. No. A. 542 (13) 1983, op. cit.,

(14) "U. S. Federal Register" October 1983, vol 148 No 197

(15) Ibid.,

CHAPTER V

(1) J Cowley, "Problems of Marine Administrations", loc. cit.

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